

## CITY UTILITIES COMMITTEE

### AGENDA

SEPTEMBER 12, 2006

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

C. AN OVERVIEW OF THE WATER/SEWER COLLECTION PROCESS -  
LESLIE WARD - CITY AUDITOR AT THE NEXT CU MEETING

D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

06-O-1934 ( 1)     An Ordinance by Councilmember Carla Smith to **abandon** a portion of Fraser Street, SE located between Solomon Street and its dead-end by I-20, consisting of approximately 0.128 acre and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 53 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 09/12/06 at 9:30 a.m.)**

06-O-1957 ( 2)     An Ordinance by City Utilities Committee to **abandon** a portion of Lakeside Drive between Wright Avenue and Kingsboro Road, being more specifically described in the legal description attached as Exhibit "A"; said property lying and being in Land Lot 9 of District 17, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 9/12/06 at 9:30 a.m.)**

E. ORDINANCES FOR SECOND READING

06-O-1937 ( 1)     An Ordinance by Councilmember Ceasar C. Mitchell authorizing the Mayor to execute a Franchise Agreement with Fiberlight, LLC, to provide Telecommunications Services using the public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(3<sup>rd</sup> Reading, Final Adoption)**

06-O-1947 ( 2)     An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes.

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 06-O-1958 ( 3)     An Ordinance by City Utilities Committee authorizing the Mayor or her designee to enter into a Bridge Agreement between the Board of Regents of the University System of Georgia by and on behalf of Georgia State University and the City of Atlanta, for the renovation and expansion of a presently existing pedestrian bridge in accordance with Section 138-25 of the City of Atlanta's Code of Ordinances; and for other purposes.
- 06-O-2048 ( 4)     An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to amend the City of Atlanta's Code of Ordinances Section 138-5 alleys, so as to define the ownership of the Alleys and maintenance thereof of the Alleys in the City of Atlanta, to immediately begin the defined statutory procedure for abandoning the City of Atlanta's interest in alley; to request Fulton County to amend the County's Tax Map and to properly adjust all property within Fulton County to properly access property value and taxes and that millage rate reduction would occur equal to the tax increase; and for other purposes.
- 06-O-2049 ( 5)     An Ordinance by Councilmember Carla Smith to amend Ordinance to amend Ordinance 06-O-1060 to amend the location of the walking path; to provide access to the developer in the area behind the fence for the purpose of grading; and for other purposes.
- 06-O-2051 ( 6)     An Ordinance by Councilmember Ceasar C. Mitchell amending the 2006-2007 (Solid Waste Management Authority Construction Fund) Budget by transferring appropriations from Reserve into specified project center accounts to fund the cost of landfill closure modifications, real estate appraisals and acquisition, on behalf of the Department of Public Works; and for other purposes.
- 06-O-2057 ( 7)     An Ordinance by Councilmember Mary Norwood amending the City of Atlanta's Code of Ordinances by inserting language in the Solid Waste Section that will effectively deal with litter violators; and for other purposes.

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**F. RESOLUTIONS**

- 06-R-1900 ( 1)     A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Integral Municipal Service Corporation, for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipe Bursting Contract C, for Peachtree Creek River Basin, on behalf of the Department of Watershed Management; in an amount not to exceed \$6,030,509.35; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Fac. other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes. **(Referred back by Full Council 9/5/06)**
- 06-R-2038 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with AUI, LLC, for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning and Pipeline Assessment, on behalf of the Department of Watershed Management; in an amount not to exceed \$3,999,996.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.
- 06-R-2039 ( 3)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Camken-Reynolds, LLC, for FC-6005007986, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract A; on behalf of the Department of Watershed Management; in an amount not to exceed \$4,248,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.
- 06-R-2040 ( 4)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Compliance EnviroSystems, LLC, for FC-6005007987, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D; on behalf of the Department of Watershed Management; in an amount not to exceed \$4,298,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.

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**RESOLUTIONS (CONT'D)**

- 06-R-2041 ( 5)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Southeast Pipe Survey, for FC-6005007988, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract C, on behalf of the Department of Watershed Management; in an amount not to exceed \$4,298,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.
- 06-R-2042 ( 6)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Atlanta Infrastructure Managers, JV, for FC-6005007989, Sewer System Evaluation/Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D, on behalf of the Department of Watershed Management; in an amount not exceed \$4,248,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.
- 06-R-2043 ( 7)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with CH2M Hill/WRJ-JV, for FC-7619-03C, Annual Contract for Architectural and Engineering Services, for the purpose of performing certain engineering services the City must complete as a result of closing its landfills and pursuant to a Consent Order with the State of Georgia, on behalf of the Department of Public Works, in an amount not to exceed \$1,330,315.00; all contracted work shall be charged to and paid from Various Fund, Account and Centers.

**G.     ORDINANCE FOR FIRST READING**

- 06-O-2037 ( 1)     An Ordinance by City Utilities Committee to amend the 2006-2007 (Water and Wastewater Bond Fund) Budget by transferring funds in the amount of \$141,900.00 from the Reserve for Appropriations to add funding for Facility Roofing Water Annual Contract Project; and for other purposes.

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**PAPERS HELD IN COMMITTEE**

- 06-O-0306 ( 1)     An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**
- 06-O-0472 ( 2)     An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**
- 06-R-0563 ( 3)     A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**
- 06-O-0937 ( 4)     An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administering Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**
- 06-O-1454 ( 5)     An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-1573 ( 6)     An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**
- 06-O-1680 ( 7)     An Ordinance by City Utilities Committee authorizing the Mayor or her designee to execute contracts and **Notices to Proceed** for certain Pump and Water Mains Projects on behalf of the Department of Watershed Management; to negotiate with property owners to acquire necessary rights-of-way, easements and other related property interests, including condemnation proceedings; authorizing the City Attorney to proceed with the Declarations of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4; to acquire title to rights-of-way, easements and other related property interests necessary to complete the water projects; all contracted work shall be charged to and paid from appropriate Land Acquisition and Easement Fund, Account and Center Numbers; and for other purposes. **(Held 8/29/06 at the request of the Mayor's Office.)**
- 06-R-1936 ( 8)     A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$24,500.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the North Avenue CSO on July 29, 2006, August 8, 2006 and August 15, 2006; Clear Creek CSO on August 20, 2006 and Custer Avenue CSO on August 22, 2006; pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Substituted and held 8/29/06 at the request of the Department of Watershed Management.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

06-R-1948 ( 9)     A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with Atlantic Skanska, Inc., for FC-3005007865, West Area CSO Treatment Plant Project and to encumber Phase Three Funding in the amount of \$11,823,328.50, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal & Extension Fund) 574001 (Fac. other than Buildings) Q38I029094DA (West Area CSO Treatment Plant); and for other purposes. **(Held 8/29/06 at the request of Department of Watershed Management.)**

**I.     ITEMS NOT ON AGENDA**

**J.     ADJOURNMENT**

AN ORDINANCE

BY

*Carla Smith*

06-0 -1934

AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, S.E. LOCATED BETWEEN SOLOMON STREET AND ITS DEAD-END BY I-20, CONSISTING OF APPROXIMATELY 0.128 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 53 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of Fraser Street S.E. described in Exhibit "A"; and

WHEREAS, the abandoned portion of Fraser Street S.E. will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the portion of Fraser Street S.E. located between Solomon Street and the Dead-End by I-20, consisting of approximately 0.128 acres, and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 53 of the 17<sup>th</sup> District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 2:** That the City hereby expresses its intent to abandon Fraser Street S.E. as hereinabove defined.

**SECTION 3:** That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Fraser Street S.E..

**SECTION 4:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities; and these easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 5:** That the Chief Procurement Officer is authorized to appraise said street to



Property Description  
**Capital City Properties, Inc.**  
Solomon Street, S.E.  
City of Atlanta  
Fulton County, Georgia

**FRASER STREET ABANDONMENT**

All that tract or parcel of land lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a 1/2 inch open top pipe found at the intersection of the northerly right-of-way of Solomon Street, S.E. (a variable width right-of-way) with the westerly right-of-way of Martin Street, S.E. (a variable width right-of-way), Thence departing the said westerly right-of-way of Martin Street, S.E. and continuing with the said northerly right-of-way of Solomon Street, S.E., North 89 degrees 42 minutes 42 seconds West, a distance of 666.24 feet to a 1/2 inch rebar found at the intersection of the said northerly right-of-way of Solomon Street, S.E. with the easterly right-of-way of Fraser Street, S.E. (a variable width right-of-way), said 1/2 inch rebar found being the **TRUE POINT OF BEGINNING**. Thence continuing through the said right-of-way of Fraser Street, S.E., North 89 degrees 42 minutes 42 seconds West, a distance of 38.70 feet to a point in the westerly right-of-way of Fraser Street, S.E.; Thence continuing with the said westerly right-of-way of Fraser Street, S.E., North 00 degrees 20 minutes 52 seconds East, a distance of 143.30 feet to a concrete monument found at the intersection of the said westerly right-of-way of Fraser Street, S.E. with the southerly right-of-way of Interstate 20 (a variable width right-of-way); Thence departing the said westerly right-of-way of Fraser Street, S.E. and continuing with the said southerly right-of-way of Interstate 20, North 84 degrees 36 minutes 16 seconds East, a distance of 38.20 feet to a concrete monument found at the intersection of the said southerly right-of-way of Interstate 20 with the said easterly right-of-way of Fraser Street, S.E.; Thence departing the said southerly right-of-way of Interstate 20 and continuing with the said easterly right-of-way of Fraser Street, S.E., South 00 degrees 04 minutes 52 seconds West, a distance of 147.08 feet to a 1/2 inch rebar found at the intersection of the said easterly right-of-way of Fraser Street, S.E. with the said northerly right-of-way of Solomon Street, S.E., said 1/2 inch rebar found being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 0.128 Acres.



## CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlantaga.gov

SHIRLEY FRANKLIN  
MAYOR

DEPARTMENT OF PUBLIC WORKS

DAVID E. SCOTT, P.E.  
COMMISSIONER

October 27, 2005

Hamid Jahangard  
Capital City Venture Holdings, LLC  
3600 Dallas Highway  
Suite 230-125  
Marietta, Georgia 30064

Dear Mr. Jahangard:

This is in reference to your request concerning three small lots, located on Fulton Street, owned by the Department of Public Works.

The Department of Public Works is not opposed to the three discontinued parcels, (ID #s 14-0053-0004-211, 14-0053-0004-210 and 14-0053-0004-212) being deeded to the adjoining property owner, via the Department of Procurement.

Please submit your request to the following office:

Adam Smith, Chief Procurement Officer  
Department of Procurement  
Suite 1790  
55 Trinity Avenue, SW  
Atlanta, Georgia 30305

If you have additional questions, please feel free to contact my office at (404)330-6240.

Sincerely,

  
David E. Scott, P.E., Commissioner

c: Adam Smith/Department of Procurement

CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2005 OCT -1 PM 3:49



## CITY OF ATLANTA


SHIRLEY FRANKLIN  
MAYOR

68 MITCHELL STREET, S.W.  
SUITE 4900, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. 404 330-6501  
FAX 404 658-7085  
Email: [publicworks@atlantaga.gov](mailto:publicworks@atlantaga.gov)

DEPARTMENT OF PUBLIC WORKS  
DAVID E. SCOTT, P.E.  
Commissioner  
OFFICE OF TRANSPORTATION  
DAVID F. FERGUSON  
Deputy Commissioner

### MEMORANDUM

TO: Commissioner David E. Scott, P.E.  
Department of Public Works

FROM: Nursef Kedir   
Operations Manager  
Department of Public Works

Date: October 21, 2005

SUBJECT: Request for Declaration of DPW Owned Lots Unusable

This memorandum is in response a request by Mr. Hamid Jahangard of Capitol City Venture Holdings, LLC regarding three (3) DPW three owned parcels on north side of Fulton Street between Fraser Street & Martin Street. Based on a field investigation and review of our files, we offer the following.

The lots in question are located on Fulton Street just east of Turner Field. Fulton Street is a 50-foot wide two-way roadway with two lanes on each direction and on-street parking on the south side of the street. In addition, sidewalks are in place on both side of the street.

Fulton Street has excess capacity which makes widening of the street highly unlikely in the future. As a result, Office Transportation is not opposed to if these three discontinuous parcels were deeded to the adjoining owner through the Department of Procurement.

If you have any questions or need additional information is needed, please let me know.

nk

cc: David F. Ferguson  
Althea Smith  
Gloria Strickland  
Wahab Alabi  
Correspondence File

***Capital City Venture Holdings, LLC***

3600 Dallas Hwy  
Ste 230-125  
Marietta, GA 30064  
770-652-5552  
fax 770-792-9030

August 29, 2005

Adam L. Smith  
Suite 1790  
55 Trinity Avenue, S.W.  
Atlanta, GA 30303


Dear Mr. Alabi,

I am writing this letter in reference to 3 small lots owned by Public Works. These lots are located on Fulton Street. Here are the tracts with their parcel id #s. 1(14-0053-0004-211), 2(14-0053-0004-210) and 3(14-0053-0004-212). We own the property on all sides of these lots and would like to use these lots in the development we are doing on Solomon Street.

These lots are not buildable lots and the topo is so great these lots cannot be used by the public works. We would like these lots to be declared unusable and have them deeded back to the adjacent property owner.

Please give me a call if you have any questions or need any additional information.

Sincerely,



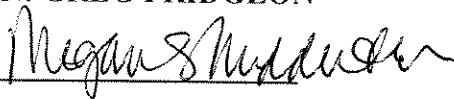
Hamid Jahangard  
Member

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

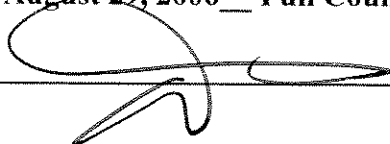
Originating Department: Public Works

Committee(s) of Purview: Transportation

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature



CAPTION

AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, S.E. LOCATED BETWEEN SOLOMON STREET AND ITS DEAD-END BY I-20, CONSISTING OF APPROXIMATELY 0.128 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 53 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

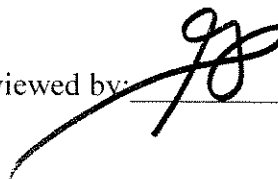
FINANCIAL IMPACT (if any) \$00.00

Mayor's Staff Only

Received by Mayor's Office:

8.21.06  
(date)

Reviewed by:



Submitted to Council:

(date)

06- 0-1957

**AN ORDINANCE**

**BY CITY UTILITIES COMMITTEE**

**TO ABANDON A PORTION OF LAKESIDE DRIVE  
BETWEEN WRIGHT AVENUE AND KINGSBORO ROAD,  
BEING MORE SPECIFICALLY DESCRIBED IN THE  
LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A":  
SAID PROPERTY LYING AND BEING IN LAND LOT 9 OF  
DISTRICT 17, FULTON COUNTY, GEORGIA AND FOR  
OTHER PURPOSES.**

**WHEREAS**, Trelcom Development, Ltd. (the "Applicant"), has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment, and statements that they do not intend to purchase a pro rata share of the area that the Applicant is requesting that the City abandon; and

**WHEREAS**, the Applicant has paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the City of Atlanta pursuant to Resolution No. 06-R-0211 has authorized the Applicant to file an application to rezone the area of Lakeside Avenue described in the Legal Description attached as Exhibit "A"; and

**WHEREAS**, the Applicant has submitted a detailed plan to the Department of Public Works, the City of Atlanta Police Department and Fire Department; and

**WHEREAS**, the Applicant has conducted numerous meetings with Neighborhood Planning Unit B and impacted Neighborhoods; and

**WHEREAS**, the Applicant, Neighborhoods, and Neighborhood Planning Unit B wish to have a decision regarding amendment to Comprehensive Development Plan, rezoning and street abandonment to be considered concurrently; and

**WHEREAS**, this abandonment request has been reviewed and approved by the City agencies, neighborhood planning units and other applicable entities referenced in Section 138-9(b)(2); and

**WHEREAS**, NPU B recommends that the right-of-way that is the subject of this abandonment request be abandoned by the City of Atlanta; and

**WHEREAS**, the abandonment will not adversely affect traffic flow in the area.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire and planning departments.

**SECTION 2:** That the portion of the above-referenced property, whose legal description is as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 3:** That the appraisal requirements of Section 138-9 have been met.

**SECTION 4:** Prior to the time that the Applicant purchases the land within the right-of-way which is the subject of this Ordinance, the Applicant will dedicate four (4) feet of property along the subject property's frontage north of Wright Avenue on the improved Lakeside Drive to the City of Atlanta for right-of-way widening purposes. This dedication is a system improvement which will offset the purchase price of the right-of-way property abandoned by this Ordinance.

**SECTION 5:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

**SECTION 6:** That the Mayor is hereby authorized to execute a Quitclaim Deed to Applicant conveying any interest that the City may have in the above-described portion of Lakeside Avenue abandoned herein.

**SECTION 7:** The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 8:** That all Ordinances and parts of Ordinances in conflict herewith are hereby waived.

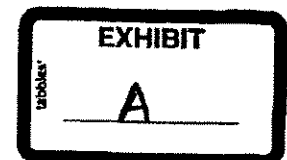
**LEGAL DESCRIPTION  
AREA OF ABANDONMENT**

All that tract or parcel of land lying and being in Land Lot 9, 17TH District, Fulton County, Georgia, and being more particularly described as follows:

**Commencing** at the intersection of the southern right-of-way of Lakeside Drive, having a variable width right-of-way, and the northern right-of-way of Wright Avenue, having a variable width right-of-way, thence following the southerly right-of-way of Lakeside Drive North 45 degrees 12 minutes 08 seconds West a distance of 24.50 feet to the **TRUE POINT OF BEGINNING**, thence from the **TRUE POINT OF BEGINNING** as thus established North 65 degrees 02 minutes 31 seconds East a distance of 42.74 feet to a point; thence North 37 degrees 46 minutes 48 seconds West a distance of 86.89 feet to a point; thence North 42 degrees 05 minutes 05 seconds West a distance of 109.88 feet to a point; thence North 49 degrees 34 minutes 44 seconds West a distance of 69.90 feet to a point; thence South 34 degrees 39 minutes 23 seconds West a distance of 20.97 feet to a point; thence, along the arc of a curve to the right a distance of 37.98 feet said arc having a radius of 57.00 feet and being subtended by a chord with a bearing and distance of South 15 degrees 52 minutes 51 seconds West 37.28 feet to a point; thence South 57 degrees 38 minutes 49 seconds East a distance of 44.35 feet to a point; thence South 40 degrees 38 minutes 30 seconds East a distance of 103.77 feet to a point; thence South 45 degrees 12 minutes 08 seconds East a distance of 82.32 feet to a point; **The Point of Beginning.**

Said tract or parcel of land contains 12330 square feet or 0.28 acres .

January 6, 2006  
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**AN ORDINANCE**

**06-O-1937**

**BY COUNCILMEMBER CEASAR C. MITCHELL**

**AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH FIBERLIGHT, LLC, TO PROVIDE TELECOMMUNICATIONS SERVICES USING PUBLIC RIGHT-OF-WAY; SPECIFYING THE COMPENSATION DUE THE CITY OF ATLANTA BY THE FRANCHISE AGREEMENT; AND FOR OTHER PURPOSES**

**WHEREAS**, FIBERLIGHT, LLC, desires to provide telecommunications services on, under over and through the public right-of-way of the City; and

**WHEREAS**, FIBERLIGHT, LLC, will negotiate a franchise agreement with the City, which provides such access and preserves the rights of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows

**SECTION 1:** That the Mayor be and is hereby authorized to execute a franchise agreement with FIBERLIGHT, LLC, for use of the public right-of-way for telecommunications purposes.

**SECITON 2:** That such franchise agreement shall expire and terminate five years after the effective date.

**SECTION 3:** FIBERLIGHT, LLC, shall pay the City an annual franchise fee equal to three percent (3%) of the franchisee's annual Gross Revenue, provided that in any calendar year that Grantee's Gross Revenue does not exceed \$500,000.00, the Franchise Fee shall be \$15,000.00 per year; provided further, however, that in no event will the Franchise Fee exceed an annual inflation-based cap. During the first two years of this Agreement, this cap will be set at eleven million dollars (\$11,000,000.00) annually. For the following three years of this Agreement, this eleven million dollar (\$11,000,000.00) cap will be increased annually at the anniversary date of the execution of this Agreement, by the rate of inflation, which will be measured by the percentage change in the Gross-Domestic-Price Index ("GDI"), which is the gross domestic product fixed weight price index calculated by the United States Department of Commerce. The Grantee's obligation to pay the Franchise Fee shall commence on the Effective Date and continue throughout the Term; fees shall be paid on a quarterly basis for the preceding quarter, and shall be due on April 15, July 15, October 15, and the 15<sup>th</sup> day of January of each year throughout the Term. In the quarter, the Franchise Fee shall be prorated relative to the number of days in the quarter that the Franchise is in effect. On or before each quarterly payment date, Grantee shall provide a certificate, signed and attested to by the appropriate corporate officers or authorized corporate representatives, which verifies Grantee's Gross Revenues for the prior quarter.

**SECTION 4:** That the City Attorney shall prepare a franchise agreement containing all of the

foregoing terms, which shall be approved by the City Attorney as to form.

**SECTION 5:** That said franchise agreement shall not be binding on the City until executed by the Mayor sealed by the Municipal Clerk and delivered to FIBERLIGHT, LLC.

**SECTION 6:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived in this instance only.

06-0-1947

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND SECTIONS 138-25 AND 138-26 OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, TO AUTHORIZE THE COMMISSIONER OF PUBLIC WORKS TO DETERMINE THE MONTHLY RENTAL RATES FOR THE AIR SPACE OR SUBSURFACE SPACE OCCUPIED BY BRIDGES, TUNNELS OR SIMILAR STRUCTURES ACROSS STREETS OR ALLEYS AND BALCONIES OVER SIDEWALKS OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 138-25 (b)(3) (a) and (b) of the Code of Ordinances ("Code") of the City of Atlanta ("City") establishes the process and parameters by which monthly rental rates for the air space or subsurface space occupied by bridges or tunnels shall be determined; and

**WHEREAS**, Section 138-25 (b)(3)(c) of the Code establishes the process for advertising in the right-of-way, which is strictly prohibited by the Code and therefore contradictory; and

**WHEREAS**, Section 138-26 (c)(7) of the City Code establishes the process and parameters by which monthly rental rates for the air space occupied by balconies, which extend over a sidewalk of the City or a portion thereof, shall be determined; and

**WHEREAS**, the current process is arduous and time consuming and would be more efficiently carried out by the Commissioner of the Department of Public Works.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** Article II, Division 1, Chapter 138, Section 138-25 (b)(3) (a), (b), and (c), which reads:

(3) The owner, lessor or lessee shall pay to the city a monthly rental for the air space or subsurface space occupied by the bridge or tunnel, as follows:

a. The monthly rental rate for all bridges or tunnels used for pedestrian transportation or utility purposes only shall be determined by the council, on a per-cubic-foot basis, which shall be subject to change from time to time by ordinance and which shall be calculated by the outside dimensions of each such bridge or tunnel.

b. The monthly rental rate for each bridge or tunnel used for the sale of merchandise and mercantile displays shall be the fair market value of the space occupied by such bridge or tunnel, which rate per cubic foot shall be determined by the council annually after submission of an appraisal by a competent appraiser selected by the director, bureau of purchasing and real estate. A fee to cover the cost of such appraisal shall be paid by the

owner, lessor or lessee. The appraisal shall be submitted in ordinance form and shall be reviewed and approved by the city utilities committee before submission to the council.

c. The monthly rental rate for each bridge or tunnel used for the purpose of general advertising shall be determined by the fair market value of the space occupied by such bridge or tunnel and in accordance with standard advertising practices to establish such rate, which shall be determined by the council annually after submission of an appraisal by a competent appraiser selected by the director, bureau of purchasing and real estate. A fee to cover the cost of such appraisal shall be paid by the owner, lessor or lessee. The appraisal shall be submitted in an ordinance form and shall be reviewed and approved by the city utilities committee before submission to the council.

be hereby amended to read as follows:

(3) The owner, lessor or lessee shall pay to the city a monthly rental for the air space or subsurface space occupied by the bridge or tunnel, as follows:

a. The monthly rental rate for all bridges or tunnels used for pedestrian transportation or utility purposes only shall be determined by the **commissioner of public works**, on a per-cubic-foot basis, which shall be subject to change from time to time and which shall be calculated by the outside dimensions of each such bridge, tunnel, or similar structure..

b. The monthly rental rate for each bridge or tunnel used for the sale of merchandise and mercantile displays, to the extent currently allowed by other applicable code sections, shall be the fair market value of the space occupied by such bridge or tunnel, which rate per cubic foot shall be determined by the **commissioner of public works** annually after submission of an appraisal by a competent appraiser selected by the **chief procurement officer**. A fee to cover the cost of such appraisal shall be paid by the owner, lessor, or lessee. The appraisal shall be submitted in ordinance form and shall be reviewed and approved by the city utilities committee before submission to the council.

**SECTION 2:** Article II, Division 1, Chapter 138, Section 138-26 (c)(7), which reads:

c) The granting of permission to construct these balconies so as to extend over the public sidewalks shall be contingent upon the owner, lessor or lessee of the building onto which the balconies are constructed, the owner of the land upon which the building is erected and all creditors secured by all or a part of the land or building entering into an agreement with the city which shall include but not be limited to agreements by the owner or lessee of the building to which the balconies are attached to:

(7) Pay to the city a monthly rental for the air space occupied by the balconies extending over a sidewalk of the city or a portion thereof at a rate per square foot, as determined by the council, of the total area of the balconies, which rate per square foot shall be subject to change by the council by an amendment to the ordinance establishing those rates.

be hereby amended to read as follows:

c) The granting of permission to construct these balconies so as to extend over the public sidewalks shall be contingent upon the owner, lessor or lessee of the building onto which the balconies are constructed, the owner of the land upon which the building is erected and all creditors secured by all or a part of the land or building entering into an agreement with the city which shall include but not be limited to agreements by the owner or lessee of the building to which the balconies are attached to:

(7) Pay to the city a monthly rental for the air space occupied by the balconies extending over a sidewalk of the city or a portion thereof at a rate per square foot, as determined by the **commissioner of public works**, of the total area of the balconies.

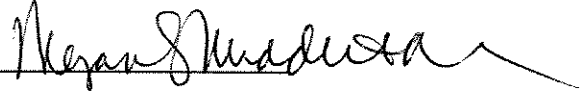
**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

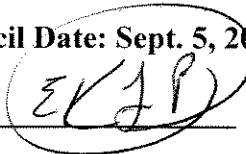
Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature David E. Scott, P.E.



CAPTION

AN ORDINANCE TO AMEND SECTIONS 138-25 AND 138-26 OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, TO AUTHORIZE THE COMMISSIONER OF PUBLIC WORKS TO DETERMINE THE MONTHLY RENTAL RATES FOR THE AIR SPACE OR SUBSURFACE SPACE OCCUPIED BY BRIDGES, TUNNELS OR SIMILAR STRUCTURES ACROSS STREETS OR ALLEYS AND BALCONIES OVER SIDEWALKS OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$00.00

Mayor's Staff Only

Received by Mayor's Office:

8/21/06  
(date)

Reviewed by:



Submitted to Council:

8/22/06  
(date)

06-0 -1958

AN ORDINANCE BY  
CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A BRIDGE AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA BY AND ON BEHALF OF GEORGIA STATE UNIVERSITY, AND THE CITY OF ATLANTA, FOR THE RENOVATION AND EXPANSION OF A PRESENTLY EXISTING PEDESTRIAN BRIDGE IN ACCORDANCE WITH SECTION 138-25 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

**WHEREAS**, the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (hereinafter "Georgia State University") wishes to renovate and expand an enclosed connecting multi-level bridge designed for pedestrian traffic and library activity over Decatur Street between Collins Street and Peachtree Center Avenue that connects buildings identified as Library North and Library South; and

**WHEREAS**, said expansion includes the addition of a new level two, and an expansion of existing levels three, four, and five; and

**WHEREAS**, the Urban Design Commission, the Director of the Bureau of Buildings, and The Commissioner of the Department of Public Works have reviewed the bridge renovation plans; and

**WHEREAS**, Georgia State University has met all of the requirements of Section 138-25 of the City of Atlanta's Code of Ordinances.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor be and is hereby authorized, on behalf of the Department of Public Works, to enter into a Bridge Agreement and any necessary related encroachment agreements with Georgia State University for the purpose of granting Georgia State University the right to renovate and expand a presently existing pedestrian bridge located above Decatur Street between Collins Street and Peachtree Center Avenue that connects Georgia State University buildings identified as Library North and Library South.

**SECTION 2.** Georgia State University, an entity of the State of Georgia, is prohibited by law from indemnifying any party. Accordingly, GSU will require any contractors who perform the work contemplated herein to indemnify and hold the city

harmless from all claims arising out of the construction, maintenance, or removal of the bridge, and will maintain a policy of public liability insurance, at no expense to the city and in an amount approved by the city.

**SECTION 3.** Georgia State University shall pay a monthly rental fee to the City as provided for in Section 138-25(c)(7) of the Code of Ordinances.

**SECTION 4.** The plans and specifications for said bridge renovation shall be submitted for the review and approval of the Commissioner of Public Works as well as acquiring all applicable permits as required by code of ordinances as needed for said renovation.

**SECTION 5.** The plans and specifications for said bridge renovation shall be reviewed by the Urban Design Commission as it relates to design.

**SECTION 6.** The City Attorney is hereby directed to prepare an appropriate bridge agreement for execution by the Mayor, to be approved by the City Attorney as to form.

**SECTION 7.** The bridge agreement shall not be binding upon the City, and the City shall incur no liability upon same, until said agreement has been executed by the Mayor and delivered to the contracting parties.



AN ORDINANCE

BY: COUNCILMEMBER IVORY LEE YOUNG, JR.

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES SECTION 138-5 ALLEYS, SO AS TO DEFINE THE OWNERSHIP OF THE ALLEYS AND MAINTENANCE THEREOF OF THE ALLEYS IN THE CITY OF ATLANTA. TO IMMEDIATELY BEGIN THE DEFINED STATUTORY PROCEDURE FOR ABANDONING THE CITY OF ATLANTA'S INTEREST IN THE ALLEYS; TO REQUEST FULTON COUNTY TO AMEND THE COUNTY'S TAX MAPS AND TO PROPERLY ADJUST ALL PROPERTY WITHIN FULTON COUNTY TO PROPERLY ACCESS PROPERTY VALUE AND TAXES AND THAT MILLAGE RATE REDUCTION WOULD OCCUR EQUAL TO THE TAX INCREASE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta wishes to amend the City of Atlanta Code of Ordinances to abandon its interest in alleys within the city limits of Atlanta in compliance with laws of the state of Georgia; and

**WHEREAS**, Georgia law prescribes a particular proceeding for abandonment; and

**WHEREAS**, the city already acknowledges that it is not responsible for maintenance of alleys but should clearly state where the responsibility of said maintenance lies and define the rights, use, and ownership of all alleys; and

**WHEREAS**, all property or property interest belonging to the city are and remain to be exempt from taxation and the city acknowledges that the consequences of the formal abandonment and conveyance of real property alleys in the city limits of Atlanta to adjacent property owners will not only result in increasing the size of individual parcels resulting in increased square footage to each parcel which will result in increased value and tax revenue to the City of Atlanta, Fulton County, and the Atlanta Board of Education.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:**

**SECTION 1:** That additional sections e, f, g,h be added to Section 138-5.

**SECTION 2:** That the City of Atlanta hereby abandons its interest in all alleys excluding those listed in the Code of Ordinance Section 138-5,

Section (a) 1, 2, and 3 in compliance with State Law O.C.G.A. 32-7-1 through 32-7-5.

**SECTION 3:** That in accordance with aforementioned State Law (O.C.G.A. 32-7-1 through 32-7-5). The law prescribes a particular procedure for abandonment that includes public notices and first offer of the property back to the original owner or that owner's successor in title and thus all other state regulations related to the abandonment to be adhered to.

**SECTION 4:** That additional section "e, f, and g" be added as follows:

- (e) The maintenance of alleys is henceforth the responsibility of the legally established owner of the alley. For that portion of property which abuts the centerline alley once abandonment is completed and an owner is established in accordance with state law governing the process for abandonment.
- (f) The City of Atlanta remains exempt from taxation for all additional property conveyed to the City of Atlanta at the time abandonment is complete.
- (g) All property owned by private property owners whose property is increased as a result of the abandonment will be reassessed by the Fulton County Tax Assessor and properly amends the value and assessment for the next fiscal year.

**SECTION 5:** That prior to the fiscal year's end the City of Atlanta requests that Fulton County Tax Assessor properly assess the actual value of additional revenue to the City of Atlanta, Fulton County, and the Atlanta Board of Education so that revenue generated and millage rate adjustments will be reflected in the budget for the year 2007 and in individual tax liabilities.

**SECTION 6:** That development inside the boundaries of what is known past or presently as alleys requires support of at least fifty percent of the existing property owners along the alley to authorize any new development which will become policy upon approval of the amended changes to Section 138-5 of the City Code of Ordinances.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith and the same are hereby repealed.

AN ORDINANCE

BY: Councilperson Carla Smith



06-0-2049

**AN ORDINANCE TO AMEND ORDINANCE 06-O-1060 TO AMEND THE LOCATION OF THE WALKING PAT; TO PROVIDE ACCESS TO THE DEVELOPER IN THE AREA BEHIND THE FENCE FOR THE PURPOSE OF GRADING; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 06-o-1060 was adopted by Council June 5, 2006 and approved by the Mayor on June 9, 2006; and

**WHEREAS**, the developer and City has become aware of potential issues in placing the trail inside the twelve foot piece of land being sold to the City; and

**WHEREAS**, the developer needs access to the land being donated to the City for the purposes of grading the property and has agreed to indemnify the City for any and all work in the area; and

**WHEREAS**, the path and the grading of the property will be a benefit to the City and the community.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**Section 1.** That Section 5 of Ordinance 06-O-1060 is hereby amended to read as follows:

**“SECTIONS 5:** The developer will install a walking trail to be placed within or abutting the twelve foot (12’) strip which the City is purchasing for monitoring purposes.”

**Section 2.** That Section 6 of Ordinance 06-O-1060 is hereby amended to read as follows:

**“SECTION 6:** The Chief Procure Officer is authorized to accept as a donation property within the City’s fence surrounding the chlorination plant, within which the developer will be allowed to grade at his expense and holding the City harmless from any damages caused thereby in connection with his adjacent development.”

**Section 3.** All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.



**CITY COUNCIL  
ATLANTA, GEORGIA**

**AN ORDINANCE**

**06-O-1060**

**BY COUNCILMEMBER CARLA SMITH**

**AS SUBSTITUTED AND AMENDED BY CITY UTILITIES**

**AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE A TWELVE FOOT (12') STRIP OF LAND ALONG THE REAR PROPERTY LINE OF 1144 AND 1200 AVONDALE AVENUE, LYING AND BEING IN LAND LOT 23 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; TO REDUCE THE DISTANCE REQUIREMENT OF CITY CODE SECTION 74-303(b) FROM 75 FEET TO 50 FEET AND WAIVE VARIANCE PROCEDURES IN SECTIONS 74-306 THROUGH 74-313 AS APPLIED TO THIS PROPERTY; TO ACCEPT THE DONATION OF LAND ABUTTING THE CITY OF ATLANTA CHLORINATION FACILITY; AND FOR OTHER PURPOSES;**

**WHEREAS**, the property parcels located at 1144 and 1200 Avondale Avenue, lying and being in land lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia (the "Property") is zoned O-I and owned by Urban Forest Investments, LLC ("owner"); and

**WHEREAS**, the Property abuts the Atlanta East Confederate Avenue Municipal Solid Waste Landfill [Permit Number 060-057D(L)] which is owned, operated and maintained by the City of Atlanta ("City"), and is located on East Confederate Avenue; and

**WHEREAS**, the City is required to conduct post-closure care pursuant to the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* and the rules and regulations promulgated thereunder; and

**WHEREAS**, on December 28, 2000, the Georgia Environmental Protection Division, Department of Natural Resources ("EPD") approved closure and post closure plans for the Atlanta East Confederate Avenue Municipal Solid Waste Landfill that included groundwater and methane monitoring plans that require the City to monitor for methane gas and potential groundwater contamination and EPD requested that the City monitor in additional locations; and

**WHEREAS**, the property owner has agreed to sell to the city a twelve foot (12') strip of land on the rear of the Property to allow for additional methane and groundwater monitoring to ensure no contamination migrates from the landfill; and

**WHEREAS**, the City built a chlorine injection facility north of the Property, a portion of the project was built across property lines; and

**WHEREAS**, the landfill and Property are separated by a stream that meets the definition of waters of the state, requiring the property owner to meet the 75 foot riparian buffer under the City's Riparian Buffer Ordinance; and



**WHEREAS**, to provide the amenities the community and developer envision and in exchange for the donation of land upon which the City has encroached a reduction in the setback requirement is necessary; and

**WHEREAS**, the developer has agreed to provide the 12 foot buffer to the City for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 with the remaining portion as a donation to the city; and

**WHEREAS**, based on the particular circumstances associated with this property and the abutting City facility it is in the best interest of the City to reduce the setback requirements, obtain the strip of land and accept the donation of land.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA**, as follows:

**SECTION 1:** That the Chief Procurement Officer is authorized to acquire the twelve foot (12') foot strip of land needed by the Department of Public Works for monitoring purposes associated with the Atlanta East Confederate Avenue Municipal Solid Waste Landfill where such monitoring wells will have their tops at grade.

**SECTION 2:** The Chief Procurement Officer is authorized to obtain a title report, an appraisal and a land survey of the twelve foot (12') strip of land and land that is proposed to be donated to the City.

**SECTION 3:** That the Chief Procurement Officer shall have an appraisal review done to determine if the appraisal attached as Exhibit "A" is a fair and reasonable representation of the value of the land. If said appraisal is determined to be fair the Chief Procurement Officer may accept the owner's appraisal.

**SECTION 4:** The 75 foot buffer requirement of City Code Section 74-303-(b) as applied to this Property is reduced to 50 feet to be measured from the sides of the base flow within the channel which is approximately 3 feet on either side of the centerline of the channel and variance procedures in Sections 74-306 through 74-313 are waived as applied to this Property.

**SECTION 5:** The developer will install a walking trail to be placed within the twelve foot (12') strip which the City is purchasing for monitoring purposes.

**SECTION 6:** That the Chief Procurement Officer is authorized to accept as a donation property within the City's fence surrounding the chlorination plant.

**SECTION 7:** That the Chief Procurement Officer is authorized to purchase the twelve foot (12') strip of property for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 and is authorized to accept as a donation one-half the amount of the twelve foot (12') buffer area as depicted on Exhibit "B".



**SECTION 8:** That the reduction in the setback shall not take effect until the City receives the quitclaim deeds to both the twelve foot (12') piece of land needed for monitoring purposes and the property located inside the fence surrounding the abutting chlorination plant;

**SECTION 9:** That no additional variance or waiver will be needed to build the walking trail or grade the property for the installation of the monitoring wells or improve the Storm Water Management of the property in an effort to stem the erosion problems caused by the current slope.

**SECTION 10:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict for the purposes of this ordinance only.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

JUN 05, 2006  
JUN 09, 2006

RECEIVED  
OCT 11 2005

RECEIVED  
OCT 11 2005

**COMPLETE APPRAISAL IN A  
SELF-CONTAINED REPORT  
4.507 ACRES OF VACANT LAND**

**Avondale Avenue Condominium Site**  
1144 Avondale Ave  
Atlanta, Fulton County, Georgia 30312

**PREPARED FOR:**

Mr. Adam Trammell  
Senior Review Appraiser  
Regions Bank  
303 Jesse Jewell Parkway, Suite 200  
Gainesville, Georgia 30501

**EFFECTIVE DATE OF THE APPRAISAL:**

September 17, 2005

**KOWALCZYK & Co.**

File Number: 05-0008.00



**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

AN ORDINANCE

BY ~~CITY COUNCIL~~ 

06-0 -2051

**AN ORDINANCE AMENDING THE 2006-2007 SOLID WASTE MANAGEMENT AUTHORITY CONSTRUCTION FUND BUDGET BY TRANSFERRING APPROPRIATIONS FROM RESERVE INTO SPECIFIED PROJECT CENTER ACCOUNTS TO FUND THE COST OF LANDFILL CLOSURE MODIFICATIONS, REAL ESTATE APPRAISALS AND ACQUISITION, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") is responsible for the maintenance and operation of its closed landfills; and

**WHEREAS**, the Georgia Department of Natural Resources approved closure and post-closure care plans which require the closed landfills to be monitored and maintained for a minimum of thirty years from the date of the closure certificate for each site; and

**WHEREAS**, the Georgia Department of Natural Resources issued closure certificates for the City's landfills on January 24, 2001; and

**WHEREAS**, the City Council adopted Resolution 05-R-1854 that authorizes the Mayor to enter into consent order EPD-SW-2035 that requires certain work to be completed to avoid fines and penalties; and

**WHEREAS**, to meet the requirements of the closure and post-closure plans, and consent order EPD-SW-2035, installation and modification of environmental protection and monitoring systems is required; and

**WHEREAS**, the installation and modification of environmental protection and monitoring systems will require acquisition of easements or certain adjacent properties; and

**WHEREAS**, the funding for these requirements should be transferred from the Reserve from Appropriations.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the 2006-2007 Budget is amended as follows:

**TRANSFER FROM APPROPRIATIONS**

|                    |                                    |                       |
|--------------------|------------------------------------|-----------------------|
| 2L22 792001 T11001 | Reservation of Fund Appropriations | \$2,400,000.00        |
|                    | Total                              | <u>\$2,400,000.00</u> |

E-6

## TRANSFER TO APPROPRIATIONS

|                          |                                 |                       |
|--------------------------|---------------------------------|-----------------------|
| 2L22 724001 M31H020491AA | Gun Club Road Landfill Closure  | \$1,338,000.00        |
| 2L22 724001 M31H020591AB | Key Road Landfill Closure       | \$ 350,000.00         |
| 2L22 724001 M31H020691AB | Cascade Road Landfill Closure   | \$ 505,000.00         |
| 2L22 724001 M31H020791AB | E. Confederate Landfill Closure | \$ 207,000.00         |
|                          | Total                           | <u>\$2,400,000.00</u> |

**SECTION 2:** That the Chief Financial Officer will be authorized to approve transfer of funds between the following Landfill Closure Project Centers:

|                          |                                   |
|--------------------------|-----------------------------------|
| 2L22 7***** M31H020491AA | Gun Club Road Landfill Closure    |
| 2L22 7***** M31H020591AB | Key Road Landfill Closure         |
| 2L22 7***** M31H020691AB | Cascade Road Landfill Closure     |
| 2L22 7***** M31H020791AB | East Confederate Landfill Closure |

**SECTION 3:** That all other ordinances and parts of ordinances in conflict with this ordinance are waived.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton 

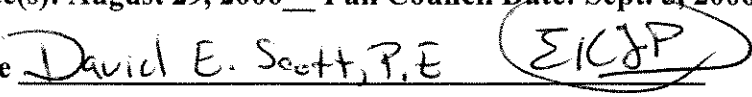
Contact Number: 6207

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature David E. Scott, P.E. 

CAPTION

AN ORDINANCE AMENDING THE 2006-2007 SOLID WASTE MANAGEMENT AUTHORITY CONSTRUCTION FUND BUDGET BY TRANSFERRING APPROPRIATIONS FROM RESERVE INTO SPECIFIED PROJECT CENTER ACCOUNTS TO FUND THE COST OF LANDFILL CLOSURE MODIFICATIONS, REAL ESTATE APPRAISALS AND ACQUISITION, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)      \$2,400,000.00

Mayor's Staff Only  
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Received by Mayor's Office: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_  
(date)

**AN ORDINANCE**

**BY COUNCILMEMBER MARY NORWOOD**

**AMENDING THE CITY OF ATLANTA'S CODE OF  
ORDINANCES BY INSERTING LANGUAGE IN THE  
SOLID WASTE SECTION THAT WILL  
EFFECTIVELY DEAL WITH LITTER VIOLATORS;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, The City of Atlanta has determined that control and removal of litter from public and private property is an important part of preventing urban blight; and

**WHEREAS**, The City of Atlanta has determined that prevention of blight may reduce occurrences of vandalism and graffiti and other incidents of property damage whose remedy requires significant commitment of public resources; and

**WHEREAS**, The City of Atlanta has determined that unsolicited handbills that are placed on private property and vehicles in public places contribute to litter when such handbills are blown into the streets and onto lawns and not retrieved; and

**WHEREAS**, The City of Atlanta has determined that an accumulation of handbills in lawns and around residences may indicate to burglars or vandals that the residence is unoccupied and therefore contribute to increased crime; and

**WHEREAS**, litter deposited on public and private property, roads, streets and highways is a significant contributor to the pollutants found in storm water runoff; and

**WHEREAS**, The City of Atlanta has determined that runoff of water from roads, highways and public and private property into streams can pollute said streams, degrade water quality and harm water users; and

**WHEREAS**, The City of Atlanta has determined that pollutants carried into our streams, rivers and lakes by litter may poison aquatic resources and diminish the quality of our water and its aquatic resources; and

**WHEREAS**, The City of Atlanta has determined that control of litter is essential to prevent the spread of disease and to protect the public health, safety, welfare and environment; and

**WHEREAS**, The City of Atlanta operates a storm water discharge system pursuant to a National Pollutant Discharge Elimination System Permit, which permit requires aggressive measures to curtail discharge of pollutants in storm water into surface waters within the County to achieve the purpose of fishable and swimmable waters; and

**WHEREAS**, The City of Atlanta has determined that control of litter is essential to prevent the spread of disease and to protect the public health, safety, welfare and environment; and

**WHEREAS**, litter control ordinances provide a prohibition against littering and provide an enforcement mechanism with penalties for dealing with those found littering and establish a legal mechanism to advance the police power goals identified herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA** as follows:

The Code of Ordinances is amended by inserting the following language in the appropriate section.

## **Section 1. General Provisions**

### **1.1. Purpose and Intent**

The purpose of this ordinance is to provide for the public health, safety, and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

- (1) Provide for uniform prohibition throughout the City of Atlanta of any and all littering on public or private property;
- (2) Prevent the desecration of the beauty and quality of life of the City of Atlanta and prevent harm to the public health, safety, and general welfare, including the potential degradation of water and aquatic resources caused by litter.

### **1.2. Applicability**

This ordinance shall apply to all public and private property within the City of Atlanta.

### **1.3. Compatibility with Other Regulations**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

### **1.4. Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

## **Section 2. Definitions**

**“Litter”** means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and, glass containers, broken glass, dead animals, or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

**“Property open to the public”** means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; waterways and drainage systems, any park, playground, building, refuge, or conservation or recreation area; timberlands, or forests, and residential, commercial, or industrial, properties.

**“Private property”** means any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant,

and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

“Handbill” means” any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, flyer or any other printed or otherwise reproduced original or copies of any matter of literature which:

(1) Advertises for sale any merchandise, product, commodity, service, business, opportunity or thing; or

(2) Directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged; or

While containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and economic gain of any person so engaged as advertiser or distributor;

### **Section 3. Prohibition Against Littering Public or Private Property**

#### **3.1 Public or Private Property**

It shall be unlawful for any person or persons to throw, dump, sweep, push, blow, deposit, or , leave, or to cause or permit the throwing, dumping, sweeping, pushing, blowing, depositing, or leaving of litter on any public or private property in the City of Atlanta or any waters in the City of Atlanta unless:

- B. The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized by the proper public authority to use such property;
- C. The litter is placed into a receptacle or container installed on such property; or
- D. The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

#### **3.2 Waterways and Stormwater Drainage Systems**

- A. It shall be unlawful for any person or persons to throw, dump, sweep, push, blow, deposit, leave, or to cause or permit the throwing, dumping, sweeping, pushing, blowing, depositing, or leaving of litter in any public or private gutter, street, right of way, waterway, or storm water collection system within the City of Atlanta; and
- B. It shall be unlawful for any person or persons to dump raw human waste or waste water of any sort, used motor oil, and any other contaminated liquid into any public right of way, waterway, or storm water collection system within the City of Atlanta. This includes dumping from any train, aircraft, motor vehicle, or vessel, unless otherwise authorized by law.



### 3.3 Distribution of handbills and unsolicited newspapers

#### A. Property open to the public

It shall be unlawful for any person or persons to throw, deposit, leave, place, or to cause or permit the throwing, depositing, leaving, or placing of any commercial or noncommercial handbill on any public property within the City of Atlanta; and

#### B. Private property

No person shall throw, deposit, leave, place or cause or permit the throwing, depositing, leaving or placing of any handbill, upon any private property which is vacant and which could be reasonably ascertained to be vacant. Unless requested not to place handbills on a private property, such handbill may be placed or deposited on inhabited private property if such handbill is placed or deposited in a manner that is reasonably designed to secure or prevent such handbill from being blown or drifted about such private property or property open to the public, including streets, storm water catch basins and conveyance systems and other public places.

C. It shall be unlawful for any person or persons to deposit or leave, or to cause or permit the depositing or placing of any commercial or noncommercial handbill or unsolicited newspaper on any vehicle within the City of Atlanta.

D. Nothing in this Ordinance authorizes placing handbills in mailboxes when such use is prohibited by federal law or by postal regulations

## **Section 4. Provision of Litter Receptacles & Maintenance**

### 4.1 Provision of Receptacles

To facilitate the proper disposal of litter, commercial businesses and institutions that are patronized by the public shall provide clean, well-maintained litter receptacles that are regularly emptied and accessible to the public. The types of businesses and institutions required to meet this provision include but are not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, motels, hospitals, schools, government facilities, public transportation facilities, and colleges.

### 4.2 Placing Materials into Receptacles or Containers

A person or persons placing litter, including household garbage and recyclables, in public receptacles or in authorized private receptacles, shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any public or private property.

### 4.3 Maintenance of Receptacles or Containers

All litter, solid waste, and recyclable receptacles or containers shall be well maintained, and serviced regularly.

## **Section 5. Vehicle Loads Causing Litter**

No person shall operate any motor vehicle, boat, airplane, or other conveyance with a load, on or in such conveyance, unless the Load, on or in such conveyance, is adequately secured to prevent the dropping or shifting of such load onto the ground or roadway.

## **Section 6. Violations, Enforcement and Penalties**

### **6.1 Violations**

It shall be unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

### **6.2 Evidence**

1. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.
2. Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

### **6.3 Penalties**

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

1. By a fine of not less than \$200 and not more than \$1,200; and
2. In addition to the fine set out in subsection 1 above, the violator shall reimburse the City of Atlanta for the reasonable cost of removing the litter when the litter is, or is ordered, removed by the City of Atlanta; and
3. Court mandated litter cleanup
  - A. In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right of way, for a distance not to exceed one mile, any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
  - B. In the sound discretion of the court, the person may be directed—or provide remuneration for homeless persons—to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of the sentence.
4. The court may publish the names of persons convicted of violating this ordinance.

#### **6.4 Enforcement**

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH INTEGRAL MUNICIPAL SERVICE CORPORATION, FOR FC-3006007945, SEWER GROUP ONE REHABILITATION PHASE I PIPE BURSTING CONTRACT C, FOR PEACHTREE CREEK RIVER BASIN, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED SIX MILLION THIRTY THOUSAND FIVE HUNDRED NINE DOLLARS AND THIRTY-FIVE CENTS (\$6,030,509.35); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J28 (2004 WATER & WASTEWATER BOND FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I02739999 (SEWER GROUP ONE REHABILITATION) AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") did advertise for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipebursting Contract C; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires a Sewer Group One Rehabilitation Phase I Pipe Bursting Contract C for the purpose of providing rehabilitation of sewers targeted in the Peachtree Creek River Basin to include, but not limited to: pipebursting, open cut replacement, manhole rehabilitation, sewer and manhole cleaning and other associated work; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipebursting Contract C, be awarded to Integral Municipal Service Corporation, in an amount not to exceed Six Million Thirty Thousand Five Hundred Nine Dollars and Thirty Five Cents (\$6,030,509.35).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to execute an Agreement with Integral Municipal Service Corporation ("IMS"), for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipebursting Contract C, in an amount not to exceed Six Million Thirty Thousand Five Hundred Nine Dollars and Thirty Five Cents (\$6,030,509.35).

**BE IT FURTHER RESOLVED**, that the term of the Agreement will be for a period of one (1) year.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no liability nor obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to IMS.

**BE IT FINALLY RESOLVED**, that all contracted services will be charged to and paid from Fund, Account and Center Number 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Fac. Other Than Buildings) Q38I02739999 (Sewer Group One Rehabilitation).

## LEGISLATIVE SUMMARY

TO: CITY UTILITIES COMMITTEE

## CAPTION:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH INTEGRAL MUNICIPAL SERVICE CORPORATION, FOR FC-3006007945, SEWER GROUP ONE REHABILITATION PHASE I PIPE BURSTING CONTRACT C, FOR PEACHTREE CREEK RIVER BASIN, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED SIX MILLION THIRTY THOUSAND FIVE HUNDRED NINE DOLLARS AND THIRTY-FIVE CENTS (\$6,030,509.35); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J28 (2004 WATER & WASTEWATER BOND FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I02739999 (SEWER GROUP ONE REHABILITATION) AND FOR OTHER PURPOSES.

**Council Meeting Date:** September 5, 2006

**Legislation Title:** Resolution to enter into an Agreement for FC-3006007945, Sewer Group One Rehabilitation, Phase One Pipe Bursting, **Contract C**

**Requesting Dept.:** Department of Watershed Management

**Contract Type:** Construction

**Source Selection:** Pursuant to City of Atlanta Procurement and Real Estate Code Section 2-1188 Competitive Sealed Bids

**Bidders:** Site Engineering, Inc. (\$5,824,909.00) \*  
Wade Coots Company, Inc. (\$10,259,839.00)  
Integral Municipal Services Corporation (\$6,030,509.35)

\* The evaluation of this bidder concluded that the apparent low bidder, Site Engineering was deemed non-responsive due to their failure to provide project specific qualifications.

**Contract Amount:** \$6,030,509.35

**Justification:** Rehabilitation of sewers targeted in the South River Basin using primarily pipe bursting techniques.

**Background:**

(1) Project advertised in the Atlanta Journal  
Constitution. **05/28/06**

(2) Project advertised on the City of Atlanta's internet  
website. **06/01/06**

(3) Bids were received on 06/28/06 with three (3)  
companies submitting bids: Site Engineering  
(\$5,824,909.00), Wade Coots (\$10,259,839.00), Integral  
Municipal Services Corporation (\$6,030,509.35)  
**07/12/06**

**Term of Contract:**

One (1) year

**Fund Account Center:**

**2J28 (2004 WATER & WASTEWATER  
BOND FUND) 574001 (FAC. OTHER  
THAN BUILDINGS) Q38I02739999  
(SEWER GROUP ONE  
REHABILITATION)**

**Prepared By:**

Carl A. Hall

**Contact Number:**

(404) 330-6057



CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 AUG 14 AM 10:43

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
ROBERT J. HUNTER  
Commissioner

August 14, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
& Department of Watershed Management

**RE: Recommendation of Award for FC-3006007945, Sewer Group One  
Rehabilitation Phase I – Pipebursting Contract C**

After careful review of the bids submitted for the above referenced project, the Department of Watershed Management recommends award to the lowest, responsive, responsible bidder, Integral Municipal Services Corporation in an amount not to exceed \$6,030,509.35.

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior at (404) 330-6812.

Thank you for your assistance in this matter.

RJH:SDW/td

cc: Shelia Pierce, Deputy Commissioner, DWM  
Cathy Martin, Deputy Procurement Officer, DOP  
Lowell Chambers, Director, DWM  
Stan Turner, Watershed Manager Senior, DWM  
Sabrina Watts, Watershed Manager, DWM  
Toni Darden, Contracting Officer Senior, DWM  
File





CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 AUG 14 AM 10:43

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE., SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
ROBERT J. HUNTER  
Commissioner

August 14, 2006

**TO:** Megan Middleton, Legislative Counsel  
Department of Law

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE: LEGISLATIVE REQUEST  
FC-3006007945, SEWER GROUP ONE REHABILITATION PHASE I  
PIPEBURSTING CONTRACT C  
CONTRACTOR: INTEGRAL MUNICIPAL SERVICES CORPORATION**

Please prepare the appropriate legislation for Cycle 15 (September 5, 2006) to approve award of the above-referenced contract. Attached is a copy of the requisition identifying the appropriate fund-account-center number.

By copy of this correspondence, the Department of Watershed Management is forwarding the original requisition to the Department of Procurement, who (after legislative approval) will prepare the appropriate agreement for execution and encumber the funds.

If you have any questions concerning this matter, please feel free to contact Toni Darden, Contracting Officer, Senior at (404) 330-6812.

Your assistance in this matter is requested and appreciated.

/td

c: Sheila Pierce, Deputy Commissioner, DWM  
Sammy Goodson, Deputy Commissioner, DWM  
Joe Basista, Deputy Commissioner, DWM  
Adam L. Smith, Chief Procurement Officer, DOP  
Cathy Martin, Deputy Chief Procurement Officer, DOP  
Andrew Ladd, Budget and Policy Manager, DF  
Sabrina D. Watts, Watershed Manager, DWM  
Maisha Land, Legislative Liaison, DWM  
Toni Darden, Contracting Officer Senior, DWM  
File



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 JUL 19 PM 1:45

## CITY OF ATLANTA

SUITE 1700

55 TRINITY AVENUE, SW

ATLANTA, GA 30303

(404) 330-6010 Fax: (404) 658-7359

Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

Shirley Franklin  
Mayor

OFFICE OF CONTRACT COMPLIANCE

Hubert Owens

Director

[howens@atlantaga.gov](mailto:howens@atlantaga.gov)

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Director *HO*  
Mayor's Office of Contract Compliance

RE: **Bid Recommendation for FC 3006007945, Sewer Group One  
Rehabilitation Phase I – Pipe Bursting Contract C**

DATE: July 19, 2006

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The Office of Contract Compliance has reviewed the three bids for minority and female business enterprise participation. All three bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs and FBEs as indicated below:

### Site Engineering, Inc.

|                                 |      |            |
|---------------------------------|------|------------|
| Drayco Group, LLC               | AABE | 4%         |
| United Underground              | AABE | 5%         |
| TMC Grassing, Inc.              | FBE  | 10%        |
| F.M. Shelton, Inc.              | FBE  | 7%         |
| C.G.L. Construction             | AABE | 6%         |
| Infrastructure Restoration, LLC | AABE | 2%         |
| <b>Participation Total</b>      |      | <b>34%</b> |

### Integral Municipal Services Corporation

|                            |      |            |
|----------------------------|------|------------|
| Watershed Solutions        | FBE  | 24%        |
| Drayco Group               | AABE | 9%         |
| W.A.C. Hauling             | AABE | 8%         |
| <b>Participation Total</b> |      | <b>41%</b> |

# MEMORANDUM

TO: Adam L. Smith  
FROM: Hubert Owens  
RE: **Bid Recommendation for FC 3006007945, Sewer Group One Rehabilitation  
Phase One Pipe Bursting Contract C**  
DATE: July 19, 2006  
PAGE: 2

**Wade Coots Company, Inc.**

J & L Contracting, Inc.

AABE 15%

MME, Inc.

AABE 4%

NAPM, Inc.

FBE 18%

**Participation Total**

**37%**

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

cc: File  
Drexal D. Paulk, DOP

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AUI, LLC FOR FC-3006007947, ANNUAL CONTRACT FOR LARGE DIAMETER SEWER CLEANING AND PIPELINE ASSESSMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED THREE MILLION NINE HUNDRED NINETY NINE THOUSAND NINE HUNDRED NINETY SIX DOLLARS AND NO CENTS (\$3,999,996.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBERS: 2J27 (2001 WATER & WASTEWATER BOND FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I02739999 (SEWER GROUP I REHABILITATION) (3,240,590.00) AND 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I06249999 (LARGE DIAMETER CLEAN, FIND, FIX) (\$759,406.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") did advertise for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning and Pipeline Assessment; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires Annual Contracts for Large Diameter Sewer Cleaning & Pipeline Assessment to provide specialized cleaning of large diameter sewers and siphons and internal condition assessment of sewers pre and post-cleaning; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend that the Agreement for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning and Pipeline Assessment, be awarded to AUI, LLC, in an amount not to exceed Three Million Nine Hundred Ninety Nine Thousand Nine Hundred Ninety Six Dollars and No Cents (\$3,999,996.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into an Agreement with AUI, LLC for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning & Pipeline Assessment, in an amount not to exceed Three Million Nine Hundred Ninety Nine Thousand Nine Hundred Ninety Six Dollars and No Cents (\$3,999,996.00).

**BE IT FURTHER RESOLVED**, that the base term of the agreement is for one (1) year with two (2), one (1) year renewal options at the sole discretion of the City.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed

by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to AUI, LLC.

**BE IT FINALLY RESOLVED**, that all contracted work will be charged to and paid from Fund, Account and Center Numbers: 2J27 (2001 Water & Wastewater Bond Fund) 574001 (Facilities Other Than Buildings) Q38I02739999 (Sewer Group I Rehabilitation) (\$3,240,590.00) and 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I06249999 (Large Diameter Clean, Find, Fix) (\$759,406.00).

## LEGISLATIVE SUMMARY

**TO: CITIES UTILITIES COMMITTEE**

### CAPTION

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AUI, LLC FOR FC-3006007947, ANNUAL CONTRACT FOR LARGE DIAMETER SEWER CLEANING AND PIPELINE ASSESSMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED THREE MILLION NINE HUNDRED NINETY NINE THOUSAND NINE HUNDRED NINETY SIX DOLLARS AND NO CENTS (\$3,999,996.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBERS: 2J27 (2001 WATER & WASTEWATER BOND FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I02739999 (SEWER GROUP I REHABILITATION) (\$3,240,590.00) AND 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I06249999 (LARGE DIAMETER CLEAN, FIND, FIX) (\$759,406.00); AND FOR OTHER PURPOSES.**

|                                |   |          |                |                           |                |                                |                |            |                |
|--------------------------------|---|----------|----------------|---------------------------|----------------|--------------------------------|----------------|------------|----------------|
| <b>Council Meeting Date:</b>   | September 18, 2006  |          |                |                           |                |                                |                |            |                |
| <b>Legislation Title:</b>      | Agreement, FC-3006007947, Annual Agreement for Large Diameter Sewer Cleaning & Pipeline Assessment  |          |                |                           |                |                                |                |            |                |
| <b>Requesting Dept.:</b>       | Department of Watershed Management ("DWM")  |          |                |                           |                |                                |                |            |                |
| <b>Invitations Mailed:</b>     | Two Hundred Nineteen (219) Bidders  |          |                |                           |                |                                |                |            |                |
| <b>Bidders:</b>                | Four (4) Bidders responded: <table><tbody><tr><td>AUI, LLC</td><td>\$3,999,996.00</td></tr><tr><td>Imani Environmental Group</td><td>\$5,072,741.00</td></tr><tr><td>Inland Waters Pollution Center</td><td>\$5,404,934.86</td></tr><tr><td>Insituform</td><td>\$7,003,984.00</td></tr></tbody></table> | AUI, LLC | \$3,999,996.00 | Imani Environmental Group | \$5,072,741.00 | Inland Waters Pollution Center | \$5,404,934.86 | Insituform | \$7,003,984.00 |
| AUI, LLC                       | \$3,999,996.00  |          |                |                           |                |                                |                |            |                |
| Imani Environmental Group      | \$5,072,741.00  |          |                |                           |                |                                |                |            |                |
| Inland Waters Pollution Center | \$5,404,934.86  |          |                |                           |                |                                |                |            |                |
| Insituform                     | \$7,003,984.00  |          |                |                           |                |                                |                |            |                |
| <b>Source Selection:</b>       | Sealed Bids   |          |                |                           |                |                                |                |            |                |
| <b>Bid Opening:</b>            | July 26, 2006   |          |                |                           |                |                                |                |            |                |
| <b>Estimated Value:</b>        | \$3,999,996.00  |          |                |                           |                |                                |                |            |                |

**Background:** The scope of work is to provide specialty cleaning of large diameter sewers (eighteen [18] inches and larger) and siphons, as well as internal condition assessment of sewer pre- and/or post-cleaning.

**Evaluation Team:** Representatives from the Department of Watershed Management and the Office of Contract Compliance.

**Term of Contract:** One (1) Year with Two (2) One (1) Year renewable options.

**Fund Account Centers:** All services for said contracted work in an amount not to exceed Three Million Nine Hundred Ninety Nine Thousand Nine Hundred Ninety Six Dollars and No Cents (\$3,999,996.00). All contracted work will be charged to and paid from fund, account and center numbers: 2J27 (2001 Water & Wastewater Bond Fund) 574001 (Facilities Other Than Buildings) Q38I02739999 (Sewer Group I Rehabilitation) (\$3,240,590.00) and 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I06249999 (Large Diameter Clean, Find, Fix) (\$759,406.00); and for other purposes.

**Prepared By:** Lynn Thomas Portee, Contracting Officer (404) 330-6109

LTP (08/25/06)



CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 AUG 18 PM 3:47

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
ROBERT J. HUNTER  
Commissioner

August 18, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE: Recommendation of Award for FC-3006007947, Annual Contract for  
Large Diameter sewer Cleaning and Pipeline Assessment**

After careful review of the bids submitted for the above referenced project, the Department of Watershed Management recommends award to the lowest, responsive, responsible bidder, AUI, LLC in an amount not to exceed \$3,999,996.00.

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior at (404) 330-6812.

Thank you for your assistance in this matter.

RJH:SDW/td

cc: Shelia Pierce, Deputy Commissioner, DWM  
Cathy Martin, Deputy Procurement Officer, DOP  
Lowell Chambers, Director, DWM  
Stan Turner, Watershed Manager Senior, DWM  
Sabrina Watts, Watershed Manager, DWM  
Toni Darden, Contracting Officer Senior, DWM  
File



CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 JUL 28 PM 4:52



## CITY OF ATLANTA

Shirley Franklin  
Mayor

SUITE 1700  
55 TRINITY AVENUE, SW  
ATLANTA, GA 30303  
(404) 330-6010 Fax: (404) 658-7359  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

OFFICE OF CONTRACT COMPLIANCE  
Hubert Owens  
Director  
[howens@atlantaga.gov](mailto:howens@atlantaga.gov)

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Director  
Mayor's Office of Contract Compliance

RE: **Bid Recommendation for FC 3006007947, Annual Contract for Large  
Diameter Sewer Cleaning and Pipeline Assessment**

DATE: July 27, 2006

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The Office of Contract Compliance has reviewed the four bids for minority and female business enterprise participation. All four bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances. However, only two bidders have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs and FBEs as indicated below:

**AUI, LLC**

|  |            |
|--|------------|
| TTR Construction Services, Inc.        | AABE 13%   |
| Rohadfox Construction Coastal Services | FBE 18%    |
| Drayco Group, LLC                      | AABE 1%    |
| <b>Participation Total</b>             | <b>32%</b> |

**Imani Environmental Group**

|                            |            |
|----------------------------|------------|
| EPR                        | AABE 17%   |
| <b>Participation Total</b> | <b>17%</b> |
| <b>Non-responsive</b>      |            |

# MEMORANDUM

TO: Adam L. Smith  
FROM: Hubert Owens  
RE: **Bid Recommendation for FC 3006007947, Annual Contract for Large Diameter  
Sewer Cleaning and Pipeline Assessment**  
DATE: July 27, 2006  
PAGE: 2

## Inland Waters Pollution Center

|                                 |            |
|---------------------------------|------------|
| CJB Contracting, Inc.           | AABE 10%   |
| Eagle Solutions Providers, Inc. | FBE 2%     |
| <b>Participation Total</b>      | <b>12%</b> |
| <b>Non-responsive</b>           |            |

## Insituform, Inc.

|   |            |
|---|------------|
| Pipeline Innovation                       | AABE 17%   |
| Metals & Materials Engineers, Inc. (M&ME) | FBE 17%    |
| <b>Participation Total</b>                | <b>34%</b> |

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

cc: File  
Lynn Portee, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

*Megan S. Middleton*

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

Commissioner Signature

*[Signature]*

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AUI, LLC FOR FC-3006007947, ANNUAL CONTRACT FOR LARGE DIAMETER SEWER CLEANING AND PIPELINE ASSESSMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED THREE MILLION NINE HUNDRED NINETY NINE THOUSAND NINE HUNDRED NINETY SIX DOLLARS AND NO CENTS (\$3,999,996.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBERS: 2J27 (2001 WATER & WASTEWATER BOND FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I02739999 (SEWER GROUP I REHABILITATION) (3,240,590.00) AND 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I06249999 (LARGE DIAMETER CLEAN, FIND, FIX) (\$759,406.00); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$3,999,996.00

Mayor's Staff Only

Received by Mayor's Office:

8.29.06  
(date)

Reviewed by:

*[Signature]*

Submitted to Council:

9/1/06  
(date)

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAMKEN-REYNOLDS, LLC, FOR FC-6005007986, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 - CONTRACT A; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$457,660.60); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") did advertise for FC-6005007986, Sewer System Evaluation Survey ("SSES") of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract A; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires an SSES for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-6005007986, SSES of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract A, be awarded to CamKen-Reynolds, LLC, in an amount not to exceed Four Million Two Hundred Forty Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,248,910.60); and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into an Agreement with CamKen-Reynolds, LLC ("CamKen") for FC-6005007986, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract A, in an amount not to exceed Four Million Two Hundred Forty Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,248,910.60).

**BE IT FURTHER RESOLVED**, that the said Agreement will be awarded for a base period of one (1) year with two (2) one (1) year renewal options at the sole discretion of the City.

**BE IT FURTHER RESOLVED**, that all contracted work will be charged to and paid from Fund Account and Center Numbers : 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02979999 (SSES Groups 2 & 3) (\$3,791,250.00) and 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Facilities Other Than Buildings) Q38I029794DA (SSES Groups) (\$457,660.60).

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no liability nor obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to CamKen.



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 AUG 23 11 09 AM

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
ROBERT J. HUNTER  
Commissioner

August 22, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE: Recommendation of Award for**  
**FC-6005007986, SSES Sewer Groups 3 & 4, Contract A**  
**FC-6005007887, SSES Sewer Groups 3 & 4, Contract B**  
**FC-6005007988, SSES Sewer Groups 3 & 4, Contract C**  
**FC-6005007989, SSES Sewer Groups 3 & 4, Contract D**

Upon completion of negotiations for the above referenced projects, the Department of Watershed Management recommends award to the following Proponents in a not to exceed amount of:

|   |                |
|---|----------------|
| CamKen-Reynolds, LLC, Contract A                | \$4,248,910.60 |
| Compliance EnviroSystems, LLC, Contract B       | \$4,298,910.60 |
| Southeast Pipe Survey, Contract C               | \$4,298,910.60 |
| Atlanta Infrastructure Managers, JV, Contract D | \$4,248,910.60 |

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior (404) 330-6812.

Attachment

cc: Shelia Pierce, Deputy Commissioner, DWM (w/o attach.)  
Cathy Martin, Deputy Chief Procurement Officer, DOP (w/o attach.)  
Joe Basista, Deputy Chief Procurement Officer, DWM (w/o attach.)  
Lowell Chambers, Director, DWM (w/o attach.)  
Stan Turner, Watershed Manager Senior, DWM (w/o attach.)  
Sabrina Watts, Watershed Manager, DWM (w/o attach.)  
Toni Darden, Contracting Officer, DWM (w/o attach.)  
File



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 FEB 24 PM 3:01

## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

### MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director  
Office of Contract Compliance

DATE: February 21, 2006

RE: RFP Recommendation for FC 3005007986, Sanitary Sewer Evaluation  
Survey Groups 3 & 4 Contract A

The Office of Contract Compliance has reviewed the five proposals submitted for minority and female business enterprise participation. All five proponents are Eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, NABEs and FBEs as indicated below:

|   |                  |
|---|------------------|
| <u>Atlanta Infrastructure Managers (AIM) a JV</u> | <u>(15 pts.)</u> |
| Q Solutions, Inc.                                 | FBE 8%           |
| Mercy Data Consulting Co.                         | FBE 1%           |
| Chief Environmental Surveys, Inc.                 | NABE 10%         |
| Metals & Materials Engineers, LLC                 | AABE 10%         |
| Atlanta Utility Constructors, LLC                 | AABE 22%         |
| Corporate Environmental Risk Management (CERM)    | AABE 2%          |
| <b>Participation Total</b>                        | <b>53%</b>       |
| <br>  |                  |
| <u>Weston Solutions, Inc.</u>                     | <u>(15 pts.)</u> |
| Chief Solutions, Inc.                             | NABE 15%         |
| Assembly Required, Inc.                           | AABE 19%         |
| Q Solutions, Inc.                                 | FBE 4%           |
| <b>Participation Total</b>                        | <b>38%</b>       |

Adam L. Smith  
February 21, 2006  
Page 2

|   |                  |
|---|------------------|
| <b>CamKen/Reynolds, LLC a JV</b>                              | <b>(15 pts.)</b> |
| CamKen Consulting   | FBE 18%          |
| Mercy Data Consulting Co.                                     | FBE 6%           |
| Chief Solutions, Inc. d/b/a Chief Environmental Surveys, Inc. | NABE 29%         |
| <b>Participation Total</b>                                    | <b>53%</b>       |

|                                    |                  |
|------------------------------------|------------------|
| <b>Southeast Pipe Survey, Inc.</b> | <b>(15 pts.)</b> |
| ATS Chester Engineers              | AABE 8%          |
| CJB Contracting, Inc.              | AABE 4%          |
| Urban Infrastructure, LLC          | AABE 5%          |
| Lori's Transportation & Excavation | FBE 4%           |
| Giovanna Constructors, Inc.        | FBE 13%          |
| <b>Participation Total</b>         | <b>34%</b>       |

|                                      |                  |
|--------------------------------------|------------------|
| <b>Compliance EnviroSystems, LLC</b> | <b>(15 pts.)</b> |
| Mercy Data Consulting Co.            | FBE 4%           |
| C & S Paving                         | FBE 1%           |
| Diagnostic Resources & Solutions     | FBE 11%          |
| WBE Dorcas, Inc.                     | FBE 2%           |
| Assembly Required, Inc.              | AABE 4%          |
| Primary Environmental Solutions      | AABE 13%         |
| <b>Participation Total</b>           | <b>35%</b>       |

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Soraya Belgrave, DOP



## LEGISLATIVE SUMMARY

**TO: CITY UTILITIES COMMITTEE**

**CAPTION: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAMKEN REYNOLDS, LLC FOR FC-6005007986, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT A, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA (\$457,660.60).**

|                              |   |
|------------------------------|---|
| <b>Council Meeting Date:</b> | September 16, 2006  |
| <b>Legislation Title:</b>    | FC-6005007986, SSES Sewer Groups 3&4, Contract A  |
| <b>Requesting Dept.:</b>     | Department of Watershed Management  |
| <b>Contract Type:</b>        | Construction/Services   |
| <b>Source Selection:</b>     | Proposal  |
| <b>Bid Opening:</b>          | November 2, 2005  |
| <b>Proposals Received:</b>   | 5   |
| <b>Proponents:</b>           | <ol style="list-style-type: none"><li>(1) Atlanta Infrastructure Managers-JV</li><li>(2) Compliance EnviroSystems, LLC</li><li>(3) Southeast Pipe Survey</li><li>(4) Weston Solutions, Inc</li><li>(5) Camken Reynolds. LLC-JV</li></ol>    |
| <b>Background:</b>           | The SSES project for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work. |
| <b>Evaluation Team:</b>      | Representatives from the Department of Watershed Management and Office of Contract Compliance   |
| <b>Term of Contract:</b>     | One (1) year with two (2) one (1) year renewal options  |

**Fund Account Centers:**

2J28 (2004 WATER & WASTEWATER BOND FUND)  
524001 (CONSULTANT/PROFESSIONAL SERVICES)  
Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND  
2J21 (WATER & WASTEWATER RENEWAL FUND)  
574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA  
(\$457,660.60).

**Prepared By:**

Soraya Belgrave, Contracting Officer

**Contact Number:**

(404) 330-6002

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

Commissioner Signature [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAMKEN-REYNOLDS, LLC, FOR FC-6005007986, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 - CONTRACT A; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$457,660.60); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$4,248,910.60

Mayor's Staff Only

Received by Mayor's Office: 8.29.06

(date)

Reviewed by: [Signature]

Submitted to Council: 9/1/06

(date)

06- R-2040

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COMPLIANCE ENVIROSYSTEMS, LLC FOR FC-6005007987, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT B, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$507,660.60); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) did advertise for FC-6005007987, Sewer System Evaluation Survey (“SSES”) of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract B; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires an SSES for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-6005007987, SSES of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract B, be awarded to Compliance EnviroSystems, LLC (“CES”) in an amount not to exceed Four Million Two Hundred Ninety Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,298,910.60); and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into an Agreement with Compliance EnviroSystems, LLC (“CES”) for FC-6005007987, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract B, in an amount not to exceed Four Million Two Hundred Ninety Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,298,910.60).

**BE IT FURTHER RESOLVED**, that the said Agreement will be awarded for a base period of one (1) year with two (2) one (1) year renewal options at the sole discretion of the City.

F-4

**BE IT FURTHER RESOLVED**, that all contracted work will be charged to and paid from Fund Account and Center Numbers: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02979999 (SSES Groups 2 & 3) (\$3,791,250.00) and 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Facilities Other Than Buildings) Q38I029794DA (SSES Groups) (\$507,660.60).

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no liability nor obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to CES.

## LEGISLATIVE SUMMARY

**TO: CITY UTILITIES COMMITTEE**

**CAPTION: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COMPLIANCE ENVIROSYSTEMS, LLC FOR FC-6005007987, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT B, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA (\$507,660.60).**

|                              |   |
|------------------------------|---|
| <b>Council Meeting Date:</b> | September 16, 2006  |
| <b>Legislation Title:</b>    | FC-6005007987, SSES Sewer Groups 3&4, Contract B  |
| <b>Requesting Dept.:</b>     | Department of Watershed Management  |
| <b>Contract Type:</b>        | Construction/Services   |
| <b>Source Selection:</b>     | Proposal  |
| <b>Proposal Opening:</b>     | November 2, 2005  |
| <b>Proposals Received:</b>   | 5   |
| <b>Proponents:</b>           | <ul style="list-style-type: none"><li>(1) Atlanta Infrastructure Managers-JV</li><li>(2) Compliance EnviroSystems, LLC</li><li>(3) Southeast Pipe Survey</li><li>(4) Weston Solutions, Inc</li><li>(5) Camken Reynolds. LLC-JV</li></ul>    |
| <b>Background:</b>           | The SSES project for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work. |
| <b>Evaluation Team:</b>      | Representatives from the Department of Watershed Management and Office of Contract Compliance   |
| <b>Term of Contract:</b>     | One (1) year with two (2) one (1) year renewal options  |

**Fund Account Centers:**

2J28 (2004 WATER & WASTEWATER BOND FUND)  
524001 (CONSULTANT/PROFESSIONAL SERVICES)  
Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND  
2J21 (WATER & WASTEWATER RENEWAL FUND)  
574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA  
(\$507,660.60).

**Prepared By:**

Soraya Belgrave, Contracting Officer

**Contact Number:**

(404) 330-6002



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 AUG 23 11 0 01

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

August 22, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE:** Recommendation of Award for  
FC-6005007986, SSES Sewer Groups 3 & 4, Contract A  
FC-6005007887, SSES Sewer Groups 3 & 4, Contract B  
FC-6005007988, SSES Sewer Groups 3 & 4, Contract C  
FC-6005007989, SSES Sewer Groups 3 & 4, Contract D

Upon completion of negotiations for the above referenced projects, the Department of Watershed Management recommends award to the following Proponents in a not to exceed amount of:

|   |                |
|---|----------------|
| CamKen-Reynolds, LLC, Contract A                | \$4,248,910.60 |
| Compliance EnviroSystems, LLC, Contract B       | \$4,298,910.60 |
| Southeast Pipe Survey, Contract C               | \$4,298,910.60 |
| Atlanta Infrastructure Managers, JV, Contract D | \$4,248,910.60 |

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior (404) 330-6812.

Attachment

cc: Shelia Pierce, Deputy Commissioner, DWM (w/o attach.)  
Cathy Martin, Deputy Chief Procurement Officer, DOP (w/o attach.)  
Joe Basista, Deputy Chief Procurement Officer, DWM (w/o attach.)  
Lowell Chambers, Director, DWM (w/o attach.)  
Stan Turner, Watershed Manager Senior, DWM (w/o attach.)  
Sabrina Watts, Watershed Manager, DWM (w/o attach.)  
Toni Darden, Contracting Officer, DWM (w/o attach.)  
File





CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 FEB 24 PM 3:01

## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

### MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Director  
Office of Contract Compliance

DATE: February 21, 2006

RE: RFP Recommendation for FC 6005007987, Sanitary Sewer Evaluation  
Survey Groups 3 & 4 Contract B

The Office of Contract Compliance has reviewed the five proposals for minority and female business enterprise participation. All five proponents are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, NABEs and FBEs as indicated below:

| <u>Atlanta Infrastructure Managers a JV</u>    |      | (15 pts.)  |
|--|------|------------|
| Atlanta Utility Constructors, LLC              | AABE | 22%        |
| Metals & Materials Engineers, LLC              | AABE | 10%        |
| Corporate Environmental Risk Management (CERM) | AABE | 2%         |
| Chief Environmental Surveys, Inc.              | NABE | 10%        |
| Q Solutions, Inc.                              | FBE  | 8%         |
| Mercy Data Consulting Company                  | FBE  | 1%         |
| <b>Participation Total</b>                     |      | <b>53%</b> |

| <u>Weston Solutions, Inc.</u> |      | (15 pts.)  |
|-------------------------------|------|------------|
| Assembly Required Inc.        | AABE | 19%        |
| Chief Solutions, Inc.         | NABE | 15%        |
| Q Solutions, Inc.             | FBE  | 4%         |
| <b>Participation Total</b>    |      | <b>38%</b> |

Adam L. Smith  
February 21, 2006  
Page 2

|   |                  |
|---|------------------|
| <b><u>CamKen/Reynolds, LLC a JV</u></b>                       | <b>(15 pts.)</b> |
| CamKen Consulting   | FBE 18%          |
| Mercy Data Consulting Co.                                     | FBE 6%           |
| Chief Solutions, Inc. d/b/a Chief Environmental Surveys, Inc. | NABE 29%         |
| <b>Participation Total</b>                                    | <b>53%</b>       |

|   |                  |
|---|------------------|
| <b><u>Southeast Pipe Survey, Inc.</u></b> | <b>(15 pts.)</b> |
| ATS Chester Engineers                     | AABE 8%          |
| CJB Contracting, Inc.                     | AABE 4%          |
| Urban Infrastructure, LLC                 | AABE 5%          |
| Lori's Transportation & Excavation        | FBE 4%           |
| Giovanna Constructors, Inc.               | FBE 13%          |
| <b>Participation Total</b>                | <b>34%</b>       |

|   |                  |
|---|------------------|
| <b><u>Compliance EnviroSystems, LLC</u></b> | <b>(15 pts.)</b> |
| Mercy Data Consulting Co.                   | FBE 4%           |
| C & S Paving                                | FBE 1%           |
| Diagnostic Resources & Solutions            | FBE 11%          |
| WBE Dorcas, Inc.                            | FBE 2%           |
| Assembly Required, Inc.                     | AABE 4%          |
| Primary Environmental Solutions             | AABE 13%         |
| <b>Participation Total</b>                  | <b>35%</b>       |

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Soraya Belgrave, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

*Megan S. Middleton*

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

Commissioner Signature

*[Signature]*

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COMPLIANCE ENVIROSYSTEMS, LLC FOR FC-6005007987, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 - CONTRACT B, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$507,660.60); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$4,248,910.60

Mayor's Staff Only

Received by Mayor's Office:

8.29.06  
(date)

Reviewed by:

*[Signature]*

Submitted to Council:

9/1/06  
(date)

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SOUTHEAST PIPE SURVEY FOR FC-6005007988, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT C, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$507,660.60); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) did advertise for FC-6005007988, Sewer System Evaluation Survey (“SSES”) of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract C; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires an SSES for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-6005007988, SSES of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract C, be awarded to Southeast Pipe Survey in an amount not to exceed Four Million Two Hundred Ninety Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,298,910.60); and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into an Agreement with Southeast Pipe Survey (“Southeast Pipe”) for FC-6005007988, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 - C, in an amount not to exceed Four Million Two Hundred Ninety Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,298,910.60).

**BE IT FURTHER RESOLVED**, that the said Agreement will be awarded for a base period of one (1) year with two (2) one (1) year renewal options at the sole discretion of the City.

**BE IT FURTHER RESOLVED**, that all contracted work will be charged to and paid from Fund Account and Center Numbers : 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02979999 (SSES Groups 2 & 3) (\$3,791,250.00) and 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Facilities Other Than Buildings) Q38I029794DA (SSES Groups) (\$507,660.60).

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no liability nor obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Southeast Pipe.

## LEGISLATIVE SUMMARY

**TO: CITY UTILITIES COMMITTEE**

**CAPTION: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SOUTHEAST PIPE SURVEY FOR FC-6005007988, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT C, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA (\$507,660.60).**

|                              |   |
|------------------------------|---|
| <b>Council Meeting Date:</b> | September 16, 2006  |
| <b>Legislation Title:</b>    | FC-6005007988, SSES Sewer Groups 3&4, Contract C  |
| <b>Requesting Dept.:</b>     | Department of Watershed Management  |
| <b>Contract Type:</b>        | Construction/Services   |
| <b>Source Selection:</b>     | Proposal  |
| <b>Bid Opening:</b>          | November 2, 2005  |
| <b>Proposals Received:</b>   | 5   |
| <b>Proponentss:</b>          | (1) Atlanta Infrastructure Managers-JV<br>(2) Compliance EnviroSystems, LLC<br>(3) Southeast Pipe Survey<br>(4) Weston Solutions, Inc<br>(5) Camken Reynolds. LLC-JV  |
| <b>Background:</b>           | The SSES project for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work. |
| <b>Evaluation Team:</b>      | Representatives from the Department of Watershed Management and Office of Contract Compliance   |
| <b>Term of Contract:</b>     | One (1) year with two (2) one (1) year renewal options  |

**Fund Account Centers:**

**2J28 (2004 WATER & WASTEWATER BOND FUND)  
524001 (CONSULTANT/PROFESSIONAL SERVICES)  
Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND  
2J21 (WATER & WASTEWATER RENEWAL FUND)  
574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA  
(\$507,660.60).**

**Prepared By:**

Soraya Belgrave, Contracting Officer

**Contact Number:**

(404) 330-6002



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 AUG 23 PM 0 01

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

August 22, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE:** Recommendation of Award for  
FC-6005007986, SSES Sewer Groups 3 & 4, Contract A  
FC-6005007887, SSES Sewer Groups 3 & 4, Contract B  
FC-6005007988, SSES Sewer Groups 3 & 4, Contract C  
FC-6005007989, SSES Sewer Groups 3 & 4, Contract D

Upon completion of negotiations for the above referenced projects, the Department of Watershed Management recommends award to the following Proponents in a not to exceed amount of:

|   |                |
|---|----------------|
| CamKen-Reynolds, LLC, Contract A                | \$4,248,910.60 |
| Compliance EnviroSystems, LLC, Contract B       | \$4,298,910.60 |
| Southeast Pipe Survey, Contract C               | \$4,298,910.60 |
| Atlanta Infrastructure Managers, JV, Contract D | \$4,248,910.60 |

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior (404) 330-6812.

Attachment

cc: Shelia Pierce, Deputy Commissioner, DWM (w/o attach.)  
Cathy Martin, Deputy Chief Procurement Officer, DOP (w/o attach.)  
Joe Basista, Deputy Chief Procurement Officer, DWM (w/o attach.)  
Lowell Chambers, Director, DWM (w/o attach.)  
Stan Turner, Watershed Manager Senior, DWM (w/o attach.)  
Sabrina Watts, Watershed Manager, DWM (w/o attach.)  
Toni Darden, Contracting Officer, DWM (w/o attach.)  
File





CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 FEB 24 PM 3:01


## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

### MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director   
Office of Contract Compliance

DATE: February 21, 2006

RE: **RFP Recommendation for FC 3005007988, Sanitary Sewer Evaluation  
Survey Groups 3 & 4 Contract C**

The Office of Contract Compliance has reviewed the five proposals for minority and female business enterprise participation. All five proponents are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, NABEs and FBEs as listed below:

|  |                  |
|--|------------------|
| <b><u>Atlanta Infrastructure Managers a JV</u></b> | <b>(15 pts.)</b> |
| Q Solutions, Inc.                                  | FBE 8%           |
| Mercy Data Consulting Co.                          | FBE 1%           |
| Chief Environmental Surveys, Inc.                  | NABE 10%         |
| Corporate Environmental Risk Management            | AABE 2%          |
| Metals & Materials Engineers                       | AABE 10%         |
| <u>Atlanta Utility Constructors, LLC</u>           | <u>AABE 22%</u>  |
| <b>Participation Total</b>                         | <b>53%</b>       |

|                                      |                  |
|--------------------------------------|------------------|
| <b><u>Weston Solutions, Inc.</u></b> | <b>(15 pts.)</b> |
| Chief Solutions, Inc.                | NABE 15%         |
| Q Solutions, Inc.                    | FBE 4%           |
| <u>Assembly Required, Inc.</u>       | <u>AABE 19%</u>  |
| <b>Participation Total</b>           | <b>38%</b>       |

Adam L. Smith  
February 21, 2006  
Page 2

|  |                  |
|--|------------------|
| <b>CamKen Consulting/Reynolds, Inc. a JV</b> | <b>(15 pts.)</b> |
| CamKen Consulting, Inc.                      | AABE 19%         |
| Mercy Data Consulting Co.                    | FBE 6%           |
| Chief Solutions, Inc.                        | NABE 29%         |
| <b>Participation Total</b>                   | <b>54%</b>       |

|                                    |                  |
|------------------------------------|------------------|
| <b>Southeast Pipe Survey</b>       | <b>(15 pts.)</b> |
| ATS Chester Engineers              | AABE 8%          |
| CJB Contracting, Inc.              | AABE 4%          |
| Urban Infrastructure, LLC          | AABE 5%          |
| Giovanna Constructors, Inc.        | FBE 13%          |
| Lori's Transportation & Excavation | FBE 4%           |
| <b>Participation Total</b>         | <b>34%</b>       |

|                                      |                  |
|--------------------------------------|------------------|
| <b>Compliance EnviroSystems, LLC</b> | <b>(15 pts.)</b> |
| C & S Paving                         | FBE 1%           |
| WBE Dorcas, Inc.                     | FBE 2%           |
| Mercy Data Consulting Co.            | FBE 4%           |
| Diagnostic Resources & Solutions     | FBE 11%          |
| Assembly Required, Inc.              | AABE 4%          |
| Primary Environmental Solutions      | AABE 13%         |
| <b>Participation Total</b>           | <b>35%</b>       |

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

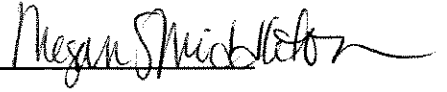
CC: File  
Soraya Belgrave, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

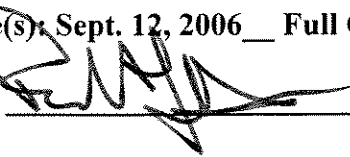
Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

Commissioner Signature



CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SOUTHEAST PIPE SURVEY FOR FC-6005007988, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT C, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED NINETY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,298,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$507,660.60); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$4,248,910.60

Mayor's Staff Only

Received by Mayor's Office:

8.29.06  
(date)

Reviewed by:



Submitted to Council:

9/1/06  
(date)

**CITY COUNCIL  
ATLANTA, GEORGIA**

**06- R -2042**

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA INFRASTRUCTURE MANAGERS, JV FOR FC-6005007989, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT D, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$457,660.60); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) did advertise for FC-6005007989, Sewer System Evaluation Survey (“SSES”) of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D; and

**WHEREAS**, the Commissioner of the Department of Watershed Management requires an SSES for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the Agreement for FC-6005007989, SSES of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D, be awarded to Atlanta Infrastructure Managers, JV (“AIM”) in an amount not to exceed Four Million Two Hundred Forty Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,248,910.60); and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into an Agreement with Atlanta Infrastructure Managers, JV for FC-6005007989, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D, in an amount not to exceed Four Million Two Hundred Forty Eight Thousand Nine Hundred Ten Dollars and Sixty Cents (\$4,248,910.60).

**BE IT FURTHER RESOLVED**, that the said Agreement will be awarded for a base period of one (1) year with two (2) one (1) year renewal options at the sole discretion of the City.

F-6

**BE IT FURTHER RESOLVED**, that all contracted work will be charged to and paid from Fund Account and Center Numbers : 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02979999 (SSES Groups 2 & 3) (\$3,791,250.00) and 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Facilities Other Than Buildings) Q38I029794DA (SSES Groups) (\$507,660.60).

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no liability nor obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to AIM.

## LEGISLATIVE SUMMARY

### TO: CITY UTILITIES COMMITTEE

**CAPTION: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA INFRASTRUCTURE MANAGERS, JV FOR FC-6005007989, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT D, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL FUND) 574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA (\$457,660.60).**

|                              |   |
|------------------------------|---|
| <b>Council Meeting Date:</b> | September 16, 2006  |
| <b>Legislation Title:</b>    | FC-6005007989, SSES Sewer Groups 3&4, Contract D  |
| <b>Requesting Dept.:</b>     | Department of Watershed Management  |
| <b>Contract Type:</b>        | Construction/Services   |
| <b>Source Selection:</b>     | Proposal  |
| <b>Bid Opening:</b>          | November 2, 2005  |
| <b>Proposals Received:</b>   | 5   |
| <b>Proponents:</b>           | (1) Atlanta Infrastructure Managers-JV<br>(2) Compliance EnviroSystems, LLC<br>(3) Southeast Pipe Survey<br>(4) Weston Solutions, Inc<br>(5) Camken Reynolds, LLC-JV  |
| <b>Background:</b>           | The SSES project for the purpose of providing sanitary sewer evaluation surveys to include manhole location and inspection, hydrological data acquisition, GPS (manhole positioning) and pump station monitoring and other associated work. |
| <b>Evaluation Team:</b>      | Representatives from the Department of Watershed Management and Office of Contract Compliance   |
| <b>Term of Contract:</b>     | One (1) year with two (2) one (1) year renewal options  |

**Fund Account Centers:**

**2J28 (2004 WATER & WASTEWATER BOND FUND)  
524001 (CONSULTANT/PROFESSIONAL SERVICES)  
Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND  
2J21 (WATER & WASTEWATER RENEWAL FUND)  
574001 (FAC. OTHER THAN BUILDINGS) Q38I029794DA  
(\$457,660.60).**

**Prepared By:**

Soraya Belgrave, Contracting Officer

**Contact Number:**

(404) 330-6002



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 AUG 23 11 0 01

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

August 22, 2006

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE:** Recommendation of Award for  
FC-6005007986, SSES Sewer Groups 3 & 4, Contract A  
FC-6005007887, SSES Sewer Groups 3 & 4, Contract B  
FC-6005007988, SSES Sewer Groups 3 & 4, Contract C  
FC-6005007989, SSES Sewer Groups 3 & 4, Contract D

Upon completion of negotiations for the above referenced projects, the Department of Watershed Management recommends award to the following Proponents in a not to exceed amount of:

|   |                |
|---|----------------|
| CamKen-Reynolds, LLC, Contract A                | \$4,248,910.60 |
| Compliance EnviroSystems, LLC, Contract B       | \$4,298,910.60 |
| Southeast Pipe Survey, Contract C               | \$4,298,910.60 |
| Atlanta Infrastructure Managers, JV, Contract D | \$4,248,910.60 |

If you have any questions, or if further assistance is required, please contact Toni Darden, Contracting Officer, Senior (404) 330-6812.

**Attachment**

cc: Shelia Pierce, Deputy Commissioner, DWM (w/o attach.)  
Cathy Martin, Deputy Chief Procurement Officer, DOP (w/o attach.)  
Joe Basista, Deputy Chief Procurement Officer, DWM (w/o attach.)  
Lowell Chambers, Director, DWM (w/o attach.)  
Stan Turner, Watershed Manager Senior, DWM (w/o attach.)  
Sabrina Watts, Watershed Manager, DWM (w/o attach.)  
Toni Darden, Contracting Officer, DWM (w/o attach.)  
File





CITY OF ATLANTA  
PT. OF PROCUREMENT

FEB 24 PM 3:01

## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

### MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director  
Office of Contract Compliance *HO*

DATE: February 21, 2006

RE: **RFP Recommendation for FC 3005007989, Sanitary Sewer Evaluation  
Survey Groups 3 & 4 Contract D**

The Office of Contract Compliance has reviewed the five proposals for minority and female business enterprise participation. All five proponents are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, NABEs and FBEs as indicated below:

|  |                  |
|--|------------------|
| <b><u>Atlanta Infrastructure Managers a JV</u></b> | <b>(15 pts.)</b> |
| Q Solutions, Inc.                                  | FBE 8%           |
| Mercy Data Consulting Co.                          | FBE 1%           |
| Chief Environmental Surveys, Inc.                  | NABE 10%         |
| Corporate Environmental Risk Management (CERM)     | AABE 2%          |
| Metals & Materials Engineers, LLC                  | AABE 10%         |
| <u>Atlanta Utility Constructors, LLC</u>           | <u>AABE 22%</u>  |
| <b>Participation Total</b>                         | <b>53%</b>       |

|                                      |                  |
|--------------------------------------|------------------|
| <b><u>Weston Solutions, Inc.</u></b> | <b>(15 pts.)</b> |
| Q Solutions, Inc.                    | FBE 4%           |
| Chief Solutions, Inc.                | NABE 15%         |
| <u>Assembly Required, Inc.</u>       | <u>AABE 19%</u>  |
| <b>Participation Total</b>           | <b>38%</b>       |

Adam L. Smith  
February 21, 2006  
Page 2

|  |                  |
|--|------------------|
| <b>CamKen Consulting/Reynolds, Inc. a JV</b> | <b>(15 pts.)</b> |
| Camken Consulting                            | FBE 19%          |
| Mercy Data Consulting Co.                    | FBE 6%           |
| Chief Solutions, Inc.                        | NABE 29%         |
| <b>Participation Total</b>                   | <b>54%</b>       |

|                                    |                  |
|------------------------------------|------------------|
| <b>Southeast Pipe Survey</b>       | <b>(15 pts.)</b> |
| Lori's Transportation & Excavation | FBE 4%           |
| Giovanna Constructors, Inc.        | FBE 13%          |
| Urban Infrastructure, LLC          | AABE 5%          |
| CJB Contracting, Inc.              | AABE 4%          |
| ATS Chester Engineers              | AABE 8%          |
| <b>Participation Total</b>         | <b>34%</b>       |

|                                      |                  |
|--------------------------------------|------------------|
| <b>Compliance EnviroSystems, LLC</b> | <b>(15 pts.)</b> |
| C & S Paving                         | FBE 1%           |
| WBE Dorcas, Inc.                     | FBE 2%           |
| Mercy Data Consulting Co.            | FBE 4%           |
| Diagnostic Resources & Solutions     | FBE 11%          |
| Assembly Required, Inc.              | AABE 4%          |
| Primary Environmental Solutions      | AABE 13%         |
| <b>Participation Total</b>           | <b>35%</b>       |

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Soraya Belgrave, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton 

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

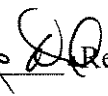
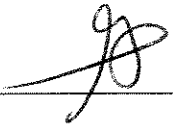
Commissioner Signature 

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA INFRASTRUCTURE MANAGERS, JV FOR FC-6005007989, SEWER SYSTEM EVALUATION SURVEY OF WASTEWATER COLLECTION AND TRANSMISSION SYSTEM SEWER GROUPS 3 AND 4 – CONTRACT D, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED FORTY EIGHT THOUSAND NINE HUNDRED TEN DOLLARS AND SIXTY CENTS (\$4,248,910.60); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 2J28 (2004 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I02979999 (SSES GROUPS 2 & 3) (\$3,791,250.00) AND 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I029794DA (SSES GROUPS) (\$457,660.60); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$4,248,910.60

Mayor's Staff Only

Received by Mayor's Office: 8-29-06  Reviewed by: 

Submitted to Council: 9/1/06

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A NOTICE TO PROCEED WITH CH2MHILL/WRJ-JV FOR FC-7619-03C, ANNUAL CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES, FOR THE PURPOSE OF PERFORMING CERTAIN ENGINEERING SERVICES THE CITY MUST COMPLETE AS A RESULT OF CLOSING ITS LANDFILLS AND PURSUANT TO A CONSENT ORDER WITH THE STATE OF GEORGIA, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THIRTY THOUSAND THREE HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$1,330,315.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBERS: 2L22 524001 M31H020491AA (\$369,000.00), 2L22 524001 M31H020591AB (\$250,801.00), 2L22 524001 M31H020691AB (\$304,957.00), 2L22 524001 M31H020791AB (\$107,370.00) AND 1A01 524001 M38201 (\$298,187.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") is responsible for the maintenance and operation of its closed landfills; and

**WHEREAS**, the Council of the City of Atlanta adopted Resolution 05-R-1854 that authorizes the Mayor to enter into a consent order that requires certain work to be completed to avoid fines and penalties; and

**WHEREAS**, the Department of Public Works requires engineering consulting services for the purpose of satisfying the requirements of the consent order and for other purposes; and

**WHEREAS**, the City did enter into an agreement with CH2M Hill/WRJ, JV for FC-7619-03-C , Annual Contract for Architectural and Engineering Services; and

**WHEREAS**, the Commissioner of the Department of Public Works and the Chief Procurement Officer have recommended the execution of a notice to proceed for CH2M Hill/WRJ-JV to provide the engineering and consulting services necessary to satisfy the requirements of the consent order.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to execute a notice to proceed with CH2M Hill/WRJ-JV for FC-7619-03-C, Annual Contract for Architectural and Engineering Services, in an amount not to exceed One Million Three Hundred Thirty Thousand Three Hundred Fifteen Dollars and No Cents (\$1,330,315.00).

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer is directed to prepare an appropriate agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that this notice to proceed will not become binding on the City, and the City will incur no obligation nor liability under it until it has been executed by the Mayor and delivered to the contracting party.

**BE IT FINALLY RESOLVED**, that all services for the notice to proceed will be charged to and paid from Fund, Account and Center Numbers as follows:

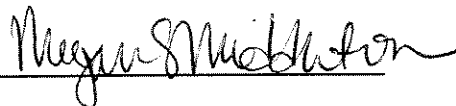
|                |  |               |
|----------------|--|---------------|
| 2L22           | Solid Waste Management Facility Const Fund |               |
| 524001         | Consultant Professional Services           |               |
| M31H020491AA   | Closure, Gun Club Road Landfill            | \$369,000.00  |
| 2L22           | Solid Waste Management Facility Const Fund |               |
| 524001         | Consultant Professional Services           |               |
| M31H020591AB   | Key Road Landfill Closure                  | \$ 250,801.00 |
| 2L22           | Solid Waste Management Facility Const Fund |               |
| 524001         | Consultant Professional Services           |               |
| M31H020691AB   | Cascade Road Landfill Closure              | \$304,957.00  |
| 2L22           | Solid Waste Management Facility Const Fund |               |
| 524001         | Consultant Professional Services           |               |
| M31H020791AB   | East Confederate Landfill Closure          | \$107,370.00  |
| 1A01           | General Fund                               |               |
| 574001         | Consultant Professional Services           |               |
| M38201         | Disposal - Landfill                        | \$298,187.00  |
| \$1,330,315.00 |  |               |

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207


Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature

David E. Scott, P.E. 

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A NOTICE TO PROCEED WITH CH2MHILL/WRJ-JV FOR FC-7619-03C, ANNUAL CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES, FOR THE PURPOSE OF PERFORMING CERTAIN ENGINEERING SERVICES THE CITY MUST COMPLETE AS A RESULT OF CLOSING ITS LANDFILLS AND PURSUANT TO A CONSENT ORDER WITH THE STATE OF GEORGIA, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THIRTY THOUSAND THREE HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$1,330,315.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBERS: 2L22 524001 M31H020491AA (\$369,000.00), 2L22 524001 M31H020591AB (\$250,801.00), 2L22 524001 M31H020691AB (\$304,957.00), 2L22 524001 M31H020791AB (\$107,370.00) AND 1A01 524001 M38201 (\$298,187.00); AND FOR OTHER PURPOSES.

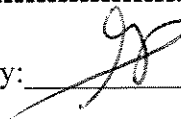
FINANCIAL IMPACT (if any) \$2,400,000.00

Mayor's Staff Only

Received by Mayor's Office:

8/25/06  
(date)

Reviewed by:



Submitted to Council:

9/1/06  
(date)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND THE 2006-2007 (WATER AND WASTEWATER BOND FUND) BUDGET BY TRANSFERRING FUNDS IN THE AMOUNT OF ONE HUNDRED FORTY ONE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$141,900.00) FROM THE RESERVE FOR APPROPRIATIONS TO ADD FUNDING FOR FACILITY ROOFING WATER ANNUAL CONTRACT PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") owns and operates a water and wastewater treatment and collection system; and

**WHEREAS**, the City's Department of Watershed Management has Four Hundred Thousand Dollars and No Cents (\$400,000) in place to fund the Facility Roofing Water Annual Project; and

**WHEREAS**, the Department of Watershed Management has identified the need for additional funding in connection with the Facility Roofing Water Annual Project; and

**WHEREAS**, funds are needed in an amount of One Hundred Forty One Thousand Nine Hundred Dollars and No Cents (\$141,900.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the FY 2006-2007 (2004 Water and Wastewater Bond Fund) Budget is amended as follows:

**TRANSFER FROM APPROPRIATIONS**

|             |                                     |                     |
|-------------|-------------------------------------|---------------------|
| 2J28 T11001 | 2004 Water and Wastewater Bond Fund |                     |
| 791001      | Reserve for Appropriations          | <u>\$141,900.00</u> |

**TRANSFER TO APPROPRIATIONS**

|                   |                                 |                     |
|-------------------|---------------------------------|---------------------|
| 2J28 Q61J01069999 | Facility Roofing – Water Annual |                     |
| 773001            | Facilities Buildings            | <u>\$141,900.00</u> |

**SECTION 2:** That all ordinances or parts of ordinances in conflict are waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

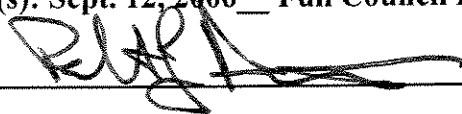
Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 28, 2006

Committee Meeting Date(s): Sept. 12, 2006 Full Council Date: September 18, 2006

Commissioner Signature



**CAPTION**

AN ORDINANCE TO AMEND THE 2006-2007 (WATER AND WASTEWATER BOND FUND) BUDGET BY TRANSFERRING FUNDS IN THE AMOUNT OF ONE HUNDRED FORTY ONE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$141,900.00) FROM THE RESERVE FOR APPROPRIATIONS TO ADD FUNDING FOR FACILITY ROOFING WATER ANNUAL CONTRACT PROJECT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)      \$141,900.00

Mayor's Staff Only

Received by Mayor's Office:

8.29.06  
(date)

Reviewed by:



Submitted to Council:

9/1/06  
(date)





06-0-0306

AN ORDINANCE  
BY: CITY UTILITIES COMMITTEE

AN ORDINANCE AMENDING THE 2006 (1994 G.O. BOND REFERENDUM FUND) BUDGET BY TRANSFERRING FROM AND TO APPROPRIATIONS IN THE AMOUNT OF \$852,361.11 TO FUND THE PAVING MANAGEMENT AND IMPROVEMENT PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, certain infrastructure improvement projects were authorized in the 1994 Public Improvement Program legislation and funds were appropriated accordingly; and

WHEREAS, the Department of Public Works undertook and completed major rehabilitation and construction projects under the 1994 Public Improvement Program; and

WHEREAS, once these projects were completed, excess funds became available for further use; and

WHEREAS, the Department of Public Works now wishes to fund a Paving Management and Improvement Program with the available balances; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the 2005 (1994 G.O. Bond Referendum Fund) Budget is amended as follows:

**TRANSFER FROM APPROPRIATIONS**

|                          |   |                            |
|--------------------------|---|----------------------------|
| 1C33 729007 M22F016192BA | Admin of 94 GO Bond Referendum Projects | \$ 64,912.00               |
| 1C33 723001 M22F016192BA | Admin of 94 GO Bond Referendum Projects | \$ 5,774.30                |
| 1C33 775001 M22F016192BA | Admin of 94 GO Bond Referendum Projects | \$ 2,677.42                |
| 1C33 724001 M22F016192BA | Admin of 94 GO Bond Referendum Projects | \$ 1,256.78                |
| 1C33 792001 T11001       | Reservation of Fund Appropriations      | \$265,603.33               |
| 1C33 792001 T11X023192BA | Restricted Reserve for Capital Projects | \$ 62,030.63               |
| 1C33 792001 T11X023192BC | Restricted Reserve for Capital Projects | \$ 27,784.04               |
|                          |   | <b><u>\$430,038.50</u></b> |

**TRANSFER TO APPROPRIATIONS**

|                    |  |                            |
|--------------------|--|----------------------------|
| 1C33 724001 M65001 | Project Development and Implementation | <b><u>\$430,038.50</u></b> |
|--------------------|--|----------------------------|

**TRANSFER FROM APPROPRIATIONS**

|                          |   |                            |
|--------------------------|---|----------------------------|
| 1C37 792001 T11001       | Reservation of Fund Appropriations      | \$ 35,392.16               |
| 1C37 792001 T11X023192BA | Restricted Reserve for Capital Projects | \$ 117,540.94              |
| 1C37 792001 T11X023192BB | Restricted Reserve for Capital Projects | \$ 16,310.77               |
| 1C37 792001 T11X023192BC | Restricted Reserve for Capital Projects | \$ 18,938.00               |
|                          |   | <b><u>\$188,181.87</u></b> |

**TRANSFER TO APPROPRIATIONS**

|                    |  |                            |
|--------------------|--|----------------------------|
| 1C37 724001 M65001 | Project Development and Implementation | <b><u>\$188,181.87</u></b> |
|--------------------|--|----------------------------|

**TRANSFER FROM APPROPRIATIONS**

|                          |   |                            |
|--------------------------|---|----------------------------|
| 1C39 792001 T11001       | Reservation of Fund Appropriations      | \$115,917.49               |
| 1C39 792001 T11X023192BA | Restricted Reserve for Capital Projects | \$118,223.25               |
|                          |   | <b><u>\$234,140.74</u></b> |

**TRANSFER TO APPROPRIATIONS**

|                    |  |                            |
|--------------------|--|----------------------------|
| 1C39 724001 M65001 | Project Development and Implementation | <b><u>\$234,140.74</u></b> |
|--------------------|--|----------------------------|

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

## ***Legislative White Paper***

Committee of Purview: City Utilities Committee

**CAPTION:** AN ORDINANCE AMENDING THE 2006 (1994 G.O. BOND REFERENDUM FUND) BUDGET BY TRANSFERRING FROM AND TO APPROPRIATIONS IN THE AMOUNT OF \$852,361.11 TO FUND THE PAVING MANAGEMENT AND IMPROVEMENT PROGRAM AND FOR OTHER PURPOSES.

**Council Meeting Date:** February 20, 2006

**Legislation Title:** Paving Management Consultant Services

**Requesting Dept.:** Public Works

**Contract Type:** N/A

**Source Selection:** N/A

**Bids/Proposals Due:** N/A

**Invitations Issued:** N/A

**Number of Bids/  
Proposals Received:** N/A

**Bidders/Proponents:** N/A

**Justification Statement:**

**Background:**

**Fund Account Center:** Various 1C33/1C37/1C39 Centers

**Source of Funds:** 1994 G.O. Bond Referendum (1C33/1C37/1C39)

**Fiscal Impact:** \$852,361.11 to fund Pavement Management and Improvement account(s)

**Term of Contract:**

**Method of Cost Recovery:**

**Approvals:**

**DOF:**

**DOL:**

**Prepared By:** Ted Carter

**Contact Number:** (404) 330-6259

TRANSMITTAL FORM FOR LEGISLATION

To: Greg Pridgeon, Office of the Mayor

From: Department of Public Works

Contact (Names): Sandra Jennings

Ext. 6739

Commissioner's Signature: \_\_\_\_\_

Manager's Signature: \_\_\_\_\_

Committee(s) of Purview: City Utilities

Committee Deadline: 1/17/2006

Committee Meeting Date(s): 1/31, 2/14

City Council Meeting Date: 2/20/2006

**CAPTION:** AN ORDINANCE AMENDING THE 2006 (1994 G.O. BOND REFERENDUM FUND) BUDGET BY TRANSFERRING FROM AND TO APPROPRIATIONS IN THE AMOUNT OF \$852,361.11 TO FUND THE PAVING MANAGEMENT AND IMPROVEMENT PROGRAM; AND FOR OTHER PURPOSES.

**BACKGROUND/PURPOSE/DISCUSSION:** Authorizing the funding for a Paving Management and Improvement Program (Citywide)

**FINANCIAL IMPACT (if any):** 1994 G.O. Bond Referendum (1C33/1C37/1C39) Funds

Mayor's Staff Only

Received by Mayor's Office: \_\_\_\_\_

(Date)

Reviewed by: \_\_\_\_\_

(Initials)

(Date)

Submitted to Council: \_\_\_\_\_

(Date)

Action by Committee: Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held \_\_\_\_\_ Amended \_\_\_\_\_

Substitute \_\_\_\_\_ Referred \_\_\_\_\_ Other \_\_\_\_\_

## AN ORDINANCE

Councilmembers C. T. Martin and Ivory L. Young

An Ordinance to re-name Simpson Road, from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes

WHEREAS, Mrs. Coretta Scott King died on January 30, 2006 in Rosarito Beach, Mexico;

WHEREAS, Mrs. King was the widow of the late Martin Luther King, Jr. and founder of the Martin Luther King, Jr. Center for Social Change; and

WHEREAS, with grace, poise and dignity she carried on the legacy of her late husband, Dr. Martin Luther King, Jr.; and

WHEREAS, in 1986 the Martin Luther King, Jr. holiday was declared a national holiday, due in large part, to Mrs. King's efforts and her unrelentless perseverance; and

WHEREAS, Mrs. King never lost her commitment to non-violence or her hope that worldwide peace could be achieved; and

WHEREAS, a native of Marion, Alabama Mrs. King studied voice at the New England Conservatory of Music, she was the voice of millions of voiceless; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Simpson Road, NW, from H. E. Holmes Drive, east to West Peachtree, be renamed Coretta Scott King Drive.

Section 2: That Section 138-8 (b) **Application Procedure** of the Code of Ordinances of the City of Atlanta is hereby waived for this instance only.

Section 3: That subsection (c) Qualification conditions is hereby waived for this instance only.

Section 4: That Section 2-2 of the Code of Ordinances is hereby waived in this instance only.

Section 5: This legislation must be transmitted to the affected Neighborhood Planning Units for their approval.

Section 6: That the Municipal Clerk is hereby directed to notify the United States Postal Services and all other affected agencies.

Section 7: That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

06-R-0563  
*Joyce m. Shepard*

**CITY COUNCIL  
ATLANTA, GEORGIA**

**A RESOLUTION BY COUNCIL MEMBER JOYCE SHEPERD**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BROCK BUILT, LLC PROVIDING FOR THE NON-STANDARD LOCATION OF WATER METERS ON PRIVATE PROPERTY TO WHICH THE CITY PROVIDES WATER SERVICES; AND FOR OTHER PURPOSES.**

**WHEREAS**, Brock Built, LLC ("Brock Built") wishes to build up to 150 residential, single-family units in a planned development housing (PDH) subdivision located within the municipal boundaries of the City of Atlanta ("City"); and

**WHEREAS**, the proposed residential units would be served with potable water from the City; and

**WHEREAS**, The City typically requires that water meters be installed at the "service connection" location either on City property, in the right-of-way or within an easement or license granted to the City; and

**WHEREAS**, Section 154-66 of the City's Code of Ordinances regarding the City's water system provides that a "service connection" is the point of water delivery to a premises where the water meter is normally located and where the City's responsibility ends and the water customer's responsibility begins; and

**WHEREAS**, Brock Built proposes to locate up to one hundred fifty (150) water meters at locations different than the service connection location, to allow each meter to be located on private property on an individual lot in the PDH subdivision; and

**WHEREAS**, the Commissioner of the City's Department of Watershed Management has reviewed the plans submitted by Brock Built for the installation of water system infrastructure, including the initial 112 meters, within the PDH subdivision and has approved those plans and considered Brock Built's request for installation of water meters on private property; and

**WHEREAS**, it is desirable and in the best interests of the City to enter into an Agreement with Brock Built setting forth the terms between the parties concerning the installation of and responsibility for water system infrastructure, including meters, within the Subdivision.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT**, the Mayor is authorized to execute with Brock Built an Agreement for the non-standard location of water meters on private property located within the PDH subdivision upon substantially the following conditions:

- 1) The PDH subdivision water system will be constructed per the Plans attached as Exhibit 1 and as otherwise modified pursuant to the agreement referenced herein, with the water meters located on private property.
- 2) The "service connections" will be located at the south side of Browns Mill Road, at the north side of Susy Griffin Road, and at the southwest side of Humphries Drive ("Valves"), as shown on Exhibit 1, so that the City's responsibility for the public portions of the water system includes the Valves.
- 3) The City or its representatives will read each water meter at the locations indicated in the Plans.
- 4) Brock Built agrees, prior to the sale of any lots and water service being established, to place within the recorded Declaration of Covenants and Restrictions that are applicable to the subdivision a covenant that each property owner and the Homeowners Association: (i) acknowledges the City's or its representatives' license to enter the subdivision, including all privately owned individual lots, to read water meters, (ii) acknowledges the applicability of the City's Code of Ordinances to each residence with respect to water services provided to it and water infrastructure located within the Subdivision; (iii) acknowledges that water services provided to the Subdivision are governed, in addition to the City's Code of Ordinances and applicable law, by this Agreement, and a copy of this Agreement shall be attached to and recorded with the covenants; (iv) acknowledges that the water lines between the meter and the residence and between the meter and the Valves must be maintained by the resident or the Homeowners Association; and (v) acknowledges that the Homeowners Association shall indemnify the City from all damage claims resulting from the installation, maintenance and access to the meters that are located within the subdivision.
- 5) Brock Built further agrees to record an appropriate easement in favor of the City applicable to the subdivision, including all privately owned individual lots, granting the City ingress and egress for pedestrian and vehicular traffic for the purpose of reading individual water meters within the subdivision.

**BE IT FURTHER RESOLVED**, that the City Attorney is authorized to prepare an Agreement with Brock Built for this transaction, as deemed necessary and appropriate or as required by law, in accordance with this Resolution and in substantially the same form as Exhibit 2.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding upon the City and the City will not be liable or obligated under it until it has been duly executed by Brock Built, executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Brock Built.



## AGREEMENT

This AGREEMENT ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, between **BROCK BUILT, LLC** ("Brock Built"), a Georgia limited liability company, and the **CITY OF ATLANTA** ("City"), a Georgia municipal corporation.

### **BACKGROUND:**

Section 154-66 of the City's Code of Ordinances regarding the City's water system provides that a "service connection" is the point of water delivery to a premises where the water meter is normally located and where the City's responsibility ends and the water customer's responsibility begins; and

The City typically requires that water meters be located at the "service connection" location to be on City property, in the right-of-way or within an easement or license granted to the City; and

Brock Built is developing The Village at Browns Mill, a PDH Community, Land Lots 35, 36, 61, 62, 14<sup>th</sup> District, a residential planned development housing subdivision ("Subdivision"), currently consisting of one hundred twelve (112) residential units, with modifications planned for twenty-six (26) additional units, located in the City of Atlanta, Fulton County, Georgia, and in which area water service is provided by the City; and

Brock Built proposes to locate up to one hundred thirty eight (138) but not to exceed 150 water meters at locations different than the service connection location, to allow each meter to be located on an individual lot; and

The City has consented to that proposal and, by legislation adopted on \_\_\_\_\_, 2004, by the City's Council and approved as per City Charter Section 2-403 on \_\_\_\_\_, 2004, attached as Exhibit 1, authorized the City to execute with Brock Built an agreement pertaining to the proposed non-standard locations of the water meters;

Accordingly, the City and Brock Built agree as follows:

1. **Construction of Water System; Location of Meters.** Except as it may be modified pursuant to Section 3.1 of this Agreement, the water system for the Subdivision will be constructed in accordance with the Plans attached as Exhibit 2, entitled The Village at Browns Mill, prepared by Mactec Engineering and Consulting, Inc. revised November 30, 2005. The water system for the Subdivision will contain individual water meters at locations substantially similar to the locations shown on Exhibit 2. The City agrees that each individual water meter will be read by the City or its representatives at the locations set forth on Exhibit 2 for the purposes of rendering bills to each individual property owner for its respective and independent water use. Brock Built agrees that the City or its representatives shall have the authority to enter the Subdivision to read any meter, and this Agreement constitutes a right of entry, license and agreement by Brock Built that the

City or its representatives are authorized to enter such Subdivision and that entry will not constitute a trespass. Brock Built agrees, prior to the sale of any lots and water service to any residence being established, to place within the recorded Declaration of Covenants and Restrictions applicable to the Subdivision a covenant that each property owner and the Homeowners Association: (i) acknowledges the City's or its representatives' license to enter the Subdivision, including all privately owned individual lots, to read water meters, (ii) acknowledges the applicability of the City's Code of Ordinances to each residence with respect to water services provided to it and water infrastructure located within the Subdivision; (iii) acknowledges that water services provided to the Subdivision are governed, in addition to the City's Code of Ordinances and applicable law, by this Agreement, and a copy of this Agreement shall be attached to and recorded with the covenants; (iv) acknowledges that the water lines between the meter and the residence and between the meter and the valves must be maintained and repaired by the resident or the Homeowners Association in accordance with all applicable laws and specifications for water system infrastructure; and (v) acknowledges that the Homeowners Association shall indemnify the City from all damage claims resulting from the installation, maintenance and access to the meters that are located within the Subdivision. Brock Built further agrees to record an appropriate easement in favor of the City applicable to the Subdivision, including all privately owned individual lots, granting the City ingress and egress for pedestrian and vehicular traffic for the purpose of reading individual water meters within the Subdivision.

2. **Service Connection; Infrastructure Responsibilities.** The "service connection" location for the Subdivision will not be located where any individual water meter is located. Instead, the "service connection's" location will be at the point of the water system on the south side of Browns Mill Road, on the north side of Susy Griffin Road, and on the southwest side of Humphries Drive with valves ("Valves") as shown on Exhibit 2, so that the City's responsibility for the public portions of the water system includes the Valves. Brock Built agrees that it is entirely responsible, at its expense, for the construction, operation, maintenance and repair of all water services infrastructure located immediately after the "service connection" and vault and throughout the Subdivision. The City agrees that Brock Built shall not be responsible for payments or fees to the City for construction, operation, maintenance and repair of the water system located after the service connection, as herein defined, including but not limited to installation of individual meters and lines thereto. The City's approval of Exhibit 2 does not encompass an approval that the materials proposed to be installed in the Subdivision in the form of water services infrastructure, except for materials identified on the Exhibit 2 as being installed per City or County requirements or regulations, are fit or appropriate for their intended use (e.g. non-standard pvc pipe, etc.).

### 3. **Miscellaneous:**

- 3.1. **Future Modifications to Exhibit 2 Authorized.** Should the Subdivision be modified in the future so as to alter or increase the land area and number of individual residential water meters within the The Village at Browns Mill development beyond that set forth in Exhibit 2, the provisions of this Agreement

shall also apply to said modified area and associated individual water meters, provided the water system plan for said modified area has been approved by the City's Department of Watershed Management and further provided the total number of individual water meters at The Village at Browns Mill shall not exceed one hundred fifty (150). In the event of such modification, Brock Built agrees to comply with all requirements of this Agreement relating to such modified land area or number of individual residential water meters, including, but not limited to, recording an amended Declaration of Covenants and Restrictions and easement, as contemplated under the Clause titled "**Construction of Water System; Location of Meters**".

**3.2. Binding Effect.** This Agreement will inure to the benefit of and be binding upon Brock Built and the City, their legal representatives and permitted successors and assigns.

**3.3. Severability.** In the event any provision in this Agreement is held by any Court of competent jurisdiction to be invalid or unenforceable, that will not effect the remainder of this Agreement, and the remaining provisions of this Agreement will continue in force and effect to the extent as would have been the case had the invalid or unenforceable provisions of this Agreement had never been a part of this Agreement.

**3.4. Applicable Law.** This Agreement will be governed by and construed and enforced in accordance with the laws of the State of Georgia.

**3.5. Forum Selection Clause.** The City and Brock Built agree that any judicial review of any claim arising under or concerning this Agreement must be brought in Fulton County, Georgia. Accordingly, the parties fix venue and jurisdiction for any claim concerning this Agreement in Fulton County, Georgia.

**3.6. Ethics: Gratuities And Kickbacks.**

**3.6.1. Gratuities and Kickbacks.** The right of Brock Built to proceed under this Agreement may be terminated if, after notice and hearing, City determines that Brock Built:

3.6.1.1. offered or gave a gratuity or kick-back (e.g. an entertainment, fee, commission, compensation of any kind or gift) to an officer, official, or employee of City; and

3.6.1.2. intended, by the gratuity, to obtain a contract or favorable treatment under a contract.

**3.6.2. Rights and Remedies.** The rights and remedies of City provided in this Clause are not exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

3.7. **Contingent Fees.** Brock Built warrants that it has not employed or retained any company or person, other than a bona fide employee, contractor, or legal counsel working for it, to solicit or secure this Agreement; and that Brock Built has not paid or agreed to pay any person, company, association, corporation, individual or firm, other than a bona fide employee working for it, any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this warranty, and upon a finding after notice and hearing, City will have the right to terminate this Agreement, and collect from Brock Built the full amount of such fee, commission, percentage, gift or consideration.

3.8. **Further Acts.** Brock Built agrees to perform any additional acts and execute and deliver any additional documents as may reasonably be necessary in order to carry out the provisions and effectuate the intent of this Agreement.

**CITY:**

**BROCK BUILT, LLC**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
MUNICIPAL CLERK (Seal)

\_\_\_\_\_  
SECRETARY/ASSISTANT  
SECRETARY (Seal)

APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
COMMISSIONER, DEPARTMENT OF  
WATERSHED MANAGEMENT

\_\_\_\_\_  
CITY ATTORNEY

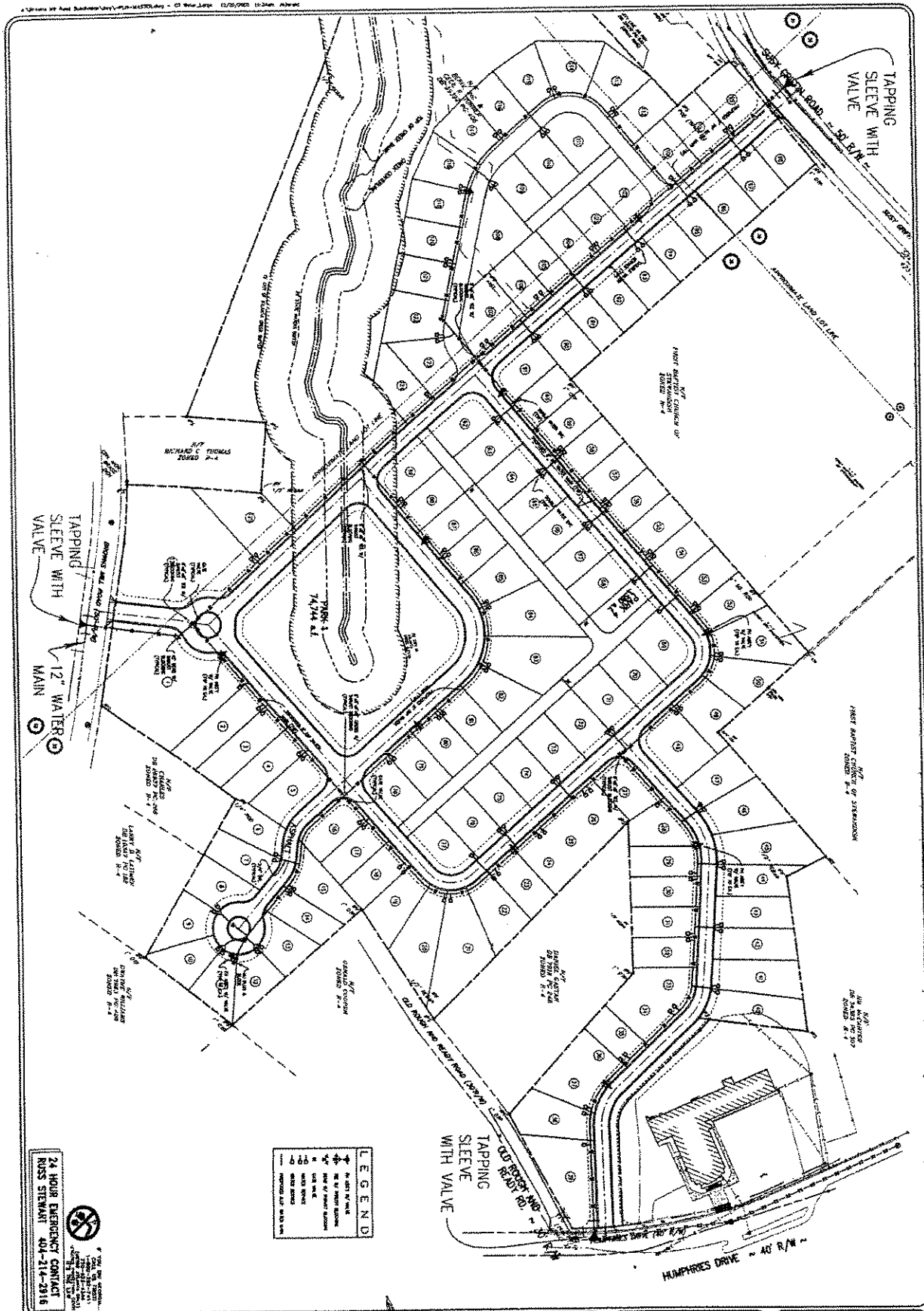


EXHIBIT 1

24 HOUR EMERGENCY CONTACT  
RUSSELL STEWART 404-214-2316

1-800-451-4516

6711-05-0005

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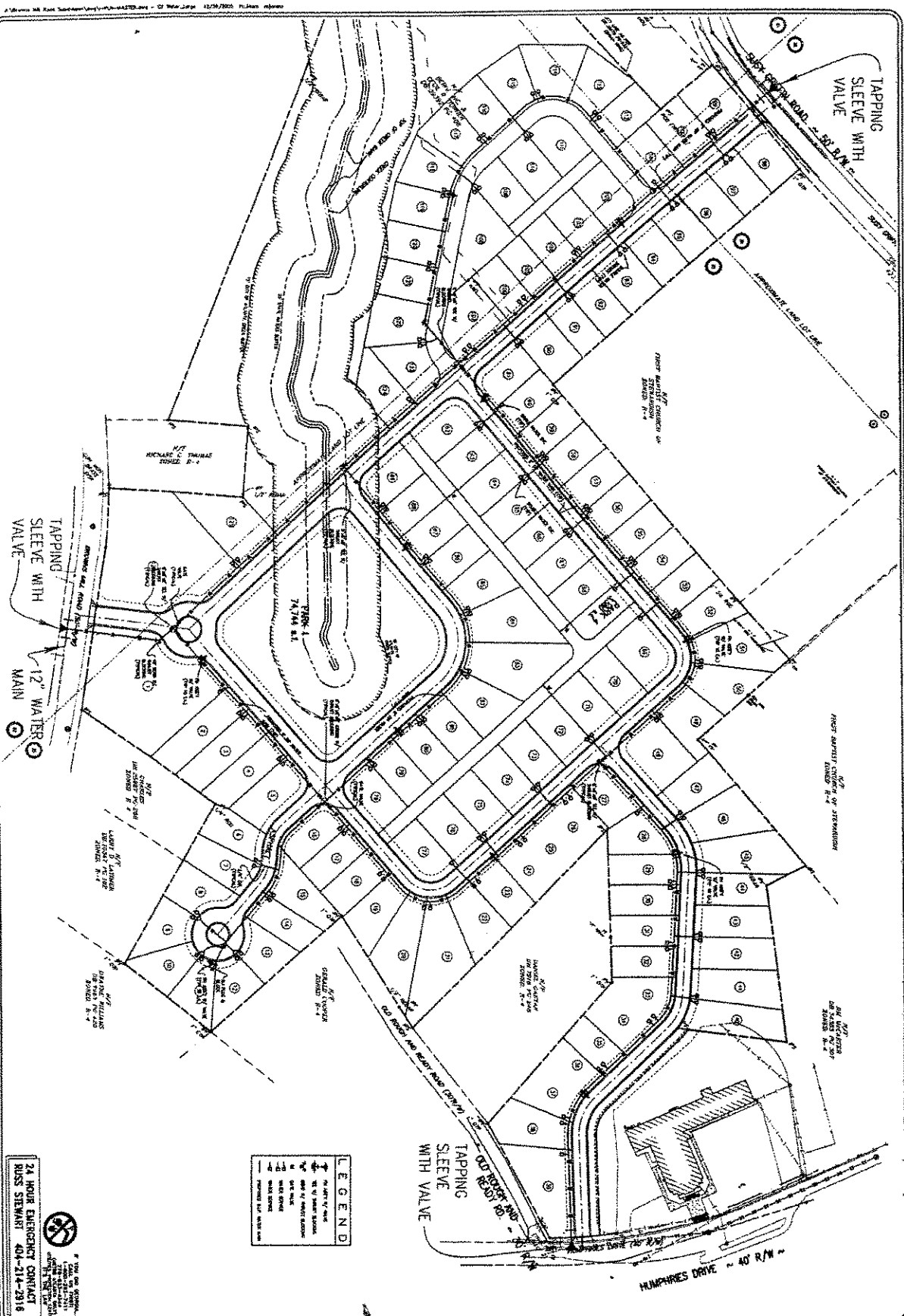
Construction Plans For  
**The Village at Browns Mill**  
Lot 25, 26, 27 & 28 - 444 Browns Mill - Fulton County, City of Marietta, Georgia



| WATER DISTRIBUTION PLAN |                            |         |        |
|-------------------------|----------------------------|---------|--------|
| DATE                    | 12/25/2003                 | BY      | ALBERT |
| SCALE                   | AS SHOWN                   | CHECKED | ALBERT |
| PROJECT                 | THE VILLAGE AT BROWNS MILL |         |        |
| CLIENT                  | BROCK BUILT LLC            |         |        |

Prepared For  
**Brock Built LLC**  
2001 Marietta Road  
Atlanta, GA 30338  
Phone 404-361-7555

Prepared By  
**MACTEC**  
MACTEC Engineering and Consulting, Inc.  
3000 Town Point Drive, Suite 100  
Kennesaw, Georgia 30144 (770) 421-3400



**EXHIBIT 2**

24 HOUR EMERGENCY CONTACT  
RUSS STEWART 404-214-2916

**C2.1**

6314-05-0005

**Construction Plans For  
The Village  
at Browns Mill**  
Lead Lots 35, 36, 37 & 32 - 44th District - Fulton County, City of Atlanta, Georgia



| WATER DISTRIBUTION PLAN |         |           |     |                          |
|-------------------------|---------|-----------|-----|--------------------------|
| DATE                    | REVISED |           |     | REVISIONS                |
| 2004                    | 1       | mm        |     | 2-11/25/05 CON. COMMENTS |
| DRAWN                   | ILL     | DESIGNED  | ILL |                          |
| CHECKED                 | A.S.    | IN CHARGE | ILL |                          |

Prepared For  
**Brock Bull LLC**  
2001 Marietta Road  
Atlanta, GA 30318  
Phone 404-351-7556

Prepared By  
**MACTEC**  
MACTEC Engineering and Consulting, Inc.  
3450 STATE POINT DRIVE, SUITE 100  
JACKSONVILLE, GEORGIA 32244 (770) 431-3400

AN ORDINANCE BY COUNCIL MEMBER CLAIR MULLER

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 74 ENTITLED "RIPARIAN BUFFER REQUIREMENTS"; TO OFFICIALLY CHANGE THE ADMINISTRATING DEPARTMENT TO WATERSHED MANAGEMENT, TO STREAMLINE THE REVIEW PROCESS AND CLARIFY THE PUBLIC NOTICE REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, in May 2001 the City of Atlanta Council approved the Riparian Buffer Ordinance in an effort to protect water quality and fulfill the requirements of the Metropolitan River Protection Action, and for other purposes; and

WHEREAS, in December 2001, the ordinance was amended to provide stream bank variance procedures to the stream bank buffer requirements and to broaden the purpose of such requirements beyond erosion and sediment control; and

WHEREAS, despite amendments to the ordinance Chapter 74 still refers to the Department of Public Works as the administrating entity even though the ordinance is administered by the Department of Watershed Management; and

WHEREAS, the number of building permit applications continues to increase which in turn increases the number of stream buffer variance applications making it more imperative to streamline and clarify the variance application process; and

WHEREAS, with continued growth in the City of Atlanta the need to protect streams and similar bodies of water is as important as it ever has been therefore variance applications need careful and strict professional scrutiny; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

**SECTION 1.** That all references to *Public Works* be changed to read *Watershed Management*.

**SECTION 2.** Define "hardship" as an unreasonable economic burden that renders property completely unuable?

**SECTION 3.** That within Section 74-302. *Definitions, Technical Panel* is amended to read as follow:

Technical panel is a panel comprised of two staff engineers from the Department of Watershed Management who combined have expertise in erosion control and stormwater management and a landscape architect who are designated by the commissioner, and an environmental planner, designated by the commissioner of planning, development and neighborhood conservation, and two law representatives who combined have expertise and training in environmental law and zoning, designated by the city attorney.

**SECTION 4.** Amend Section 74-306. to make it more protective?

**SECTION 5.** Amend Section 74-308. General procedures for stream bank variance applications (d) to read as follows:

(d) The commissioner is authorized to draft rules of procedure which may assist in the administration of this article but such rules shall not: Reduce any notice requirements; shorten any period specified for public comment or appeal of a decision of the commissioner; reduce the requirements for the granting of applications; and shall be made available to the public upon request.

**SECTION 6.** Amend Section 74-310. Advertisement, posting and mailing of notice of application. to read as follows:

*Section 74-310. Posting and mailing of notice of application.*

(a) Within five (5) days after a completed application is accepted by the technical panel, the applicant shall cause the application for a stream bank variance to be:

(1) Posted on the property as set forth herein;

(a) A sign not less than six-square feet with the words "Notice of Application for Riparian Buffer Stream Bank Variance" in bold letters not less than four-inches high in a conspicuous place on the effected property so that the sign can be easily viewed from the public street on which the property fronts. In addition, the sign shall contain all information contained in the other notices required by this section. Said sign shall be posted within five (5) days after a completed application is accepted by the technical panel, shall state such date of acceptance and shall not be removed for 20 days from the posting date.

(2) Mailed to the property owners immediately adjacent to the property for which the stream bank variance is requested.

(b) The notices required by this section shall state: The location of the stream bank variance; that public review of the application is available at the office of the commissioner and may be mailed to the NPU upon request for purposes of notification only; shall state that



*public comment on the application may be sent to the office of the commissioner and will include the address of said office.*

- (c) All public comments must be received within 20 days of the date that a completed application is accepted by the technical panel which is posted on notice of application for variance. All public comments must be timely and must identify the application to which they pertain in order to be made a part of the record to be considered by the technical panel.*

**SECTION 7.** Amend Section 74-312. Advertisement, posting and mailing of notice of decision. shall be changed to read as follows:

*Section 74-312. Posting and mailing of notice of decision.*

- (a) Within five (5) days after a final decision on an application for stream bank variance, the applicant shall cause a notice of the decision to be*

*1. Posted on the property as set forth herein:*

*a. A sign not less than six-square feet with the words in bold "Notice of Decision on Riparian Buffer Stream Bank Variance" in a conspicuous place on the effected property so that the sign can be easily viewed from the public street on which the property fronts. In addition, the sign shall contain all information contained in the other notices required by this section. Said sign shall be posted within five (5) days after a decision, the date of which must be stated on said sign. The notice of decision shall not be removed for 25 days.*

*2. Mailed to the property owners immediately adjacent to the property for which the stream bank variance is requested;*

*3. Sent to the president of the NPU in which the property requesting the application is located for notification purposes only.*

- (b) The notices required by this section shall state: The decision on the issuance the stream bank variance; that public review of the record is available at the office of the commissioner; shall state that any appeal of the decision must be made within 30 days of the date of decision which is posted on the notice of decision.*

**SECTION 8.** Amend Section 74-313. *Judicial review of decisions of commissioner on stream bank variances* to read as follows:

*Any person who is dissatisfied with a final decision of the commissioner on the stream bank variance has the right to appeal said decision to the superior court of the county where the property is located. Such appeals shall be filed within 30 days of the date of decision of the commissioner or technical panel posted on the notice of decision.*

**SECTION 9.** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

**AN ORDINANCE BY COUNCIL MEMBER CLAIR MULLER**

**AN ORDINANCE TO AMEND CHAPTER 130. SOLID WASTE MANAGEMENT, SECTION 130-84. RATES AND CHARGES TO REDUCE THE MAXIMUM FOOTAGE USED TO CALCULATE THE FRONT FOOTAGE FEE AND LIMIT SUCH RATE TO APPLY TO LOTS WITH A RESIDENCE AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta charges a residential rate for solid waste collection plus an additional amount per foot of street frontage for residential lots; and

**WHEREAS**, the street frontage varies from house to house in a single neighborhood and creates a disparity making it imperative to create some amount of parity for those who do not see an increase in service based on the high rate they are charged; and

**WHEREAS**, undeveloped residential lots are also charged a front footage fee in addition to the base solid waste fee of \$307.19; and

**WHEREAS**, there are some property owners who pay solid waste and front footage fees on multiple residential properties even though some of them may be undeveloped; and

**WHEREAS**, Section 130-1., *Statement of purpose and definitions*, defines "residence" as any lot that is "used exclusively for residential purposes, but not properties upon which are located licensed hotels or motels" and does not speak to undeveloped lots.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1:** That section 130-84. (1) *Rates and charges, Residential rate* be amended to read as follows:

- (1) Residential rate: *Only residential lots which are developed with a residence shall be charged the collection rate \$307.19 per year plus 0.94 cents per foot of paved street frontage and to cover rubbish collections costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 100 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.*

**Section 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE BY  
COUNCILMEMBER KWANZA HALL



AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT BETWEEN HILTON ATLANTA AND THE ATLANTA MARRIOTT MARQUIS AND THE CITY OF ATLANTA FOR THE ERECTION OF A BRIDGE IN ACCORDANCE WITH SECTION 138-25(b) OF THE CITY OF ATLANTA'S CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS: The Atlanta Center Limited by Hilton as Managing Agent and HMA Realty Limited Partnership wishes to construct a bridge over Courtland Street between Baker Street and Harris Street, connecting their respective properties (Hilton Atlanta located at 255 Courtland Street NE and Atlanta Marriott Marquis located at 265 Peachtree Center Avenue); and

WHEREAS: such a bridge would provide the ability to sell and capture additional large multi-hotel group business for these hotels, generating increased visitation and economic benefit to the hotels and additional tax revenues to the City of Atlanta; and

WHEREAS: room revenues collected by the Hilton Atlanta and Atlanta Marriott Marquis include a hotel tax of 7% of which 28% goes to the City of Atlanta general fund.

WHEREAS: this structure would facilitate efficient and safe travel of large movements of group attendees required to move between the hotel meeting space areas utilized at both hotels; and

WHEREAS: such a bridge would reduce mid-block crossing on Courtland Street during the movement of meeting attendees between the hotels; and

WHEREAS: the one-way traffic on Courtland Street, which includes vehicles coming off the interstate, crossing five lanes of traffic to take a left on Harris Street, along with convention buses and taxi cabs that utilize Courtland Street create significant and hazardous traffic between these two buildings for pedestrians endeavoring to commute for meetings; and

WHEREAS: street level pedestrian movement will still occur for visitors leaving the Hilton Atlanta and Marriott Marquis to sightsee in the City and utilize transportation options to travel around Atlanta; and

WHEREAS: the Urban Design Commission has reviewed this bridge; and

WHEREAS: the developer has met all of the requirements of Section 138-25(b) of the City of Atlanta's Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Mayor is hereby authorized to enter into an Agreement with Atlanta Center Limited by Hilton as Managing Agent and HMA Realty Limited Partnership for the construction of a bridge over Courtland Street between Baker Street and Harris Street, connecting their respective properties located at 255 Courtland Street NE and 265 Peachtree Center Avenue.

SECTION 2: That the Developer shall obtain all permits, insurance on said bridge, and indemnify the City completely as specified in Section 138-25(b) of the City of Atlanta's Code of Ordinances.

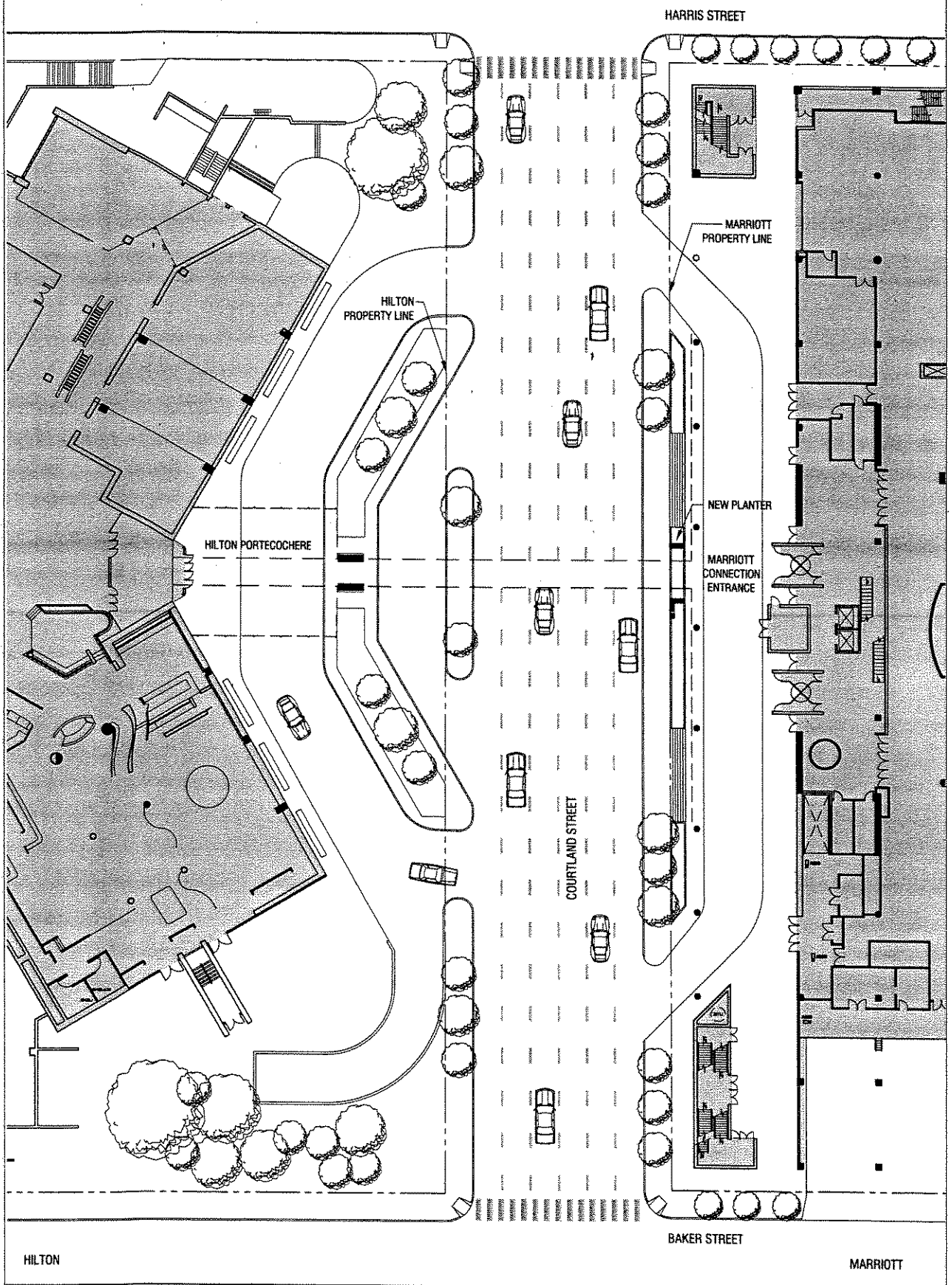
SECTION 3: That the Developer shall pay a monthly rental fee to the City as provided for in Section 138-25 (b)(3) of the Code of Ordinances.

SECTION 4: That the plans and specifications for said bridge shall be submitted for the review and approval of the Commissioner of Public Works.

SECTION 5: That the City Attorney is hereby directed to prepare an appropriate bridge agreement for execution by the Mayor, to be approved by the City Attorney as to form.

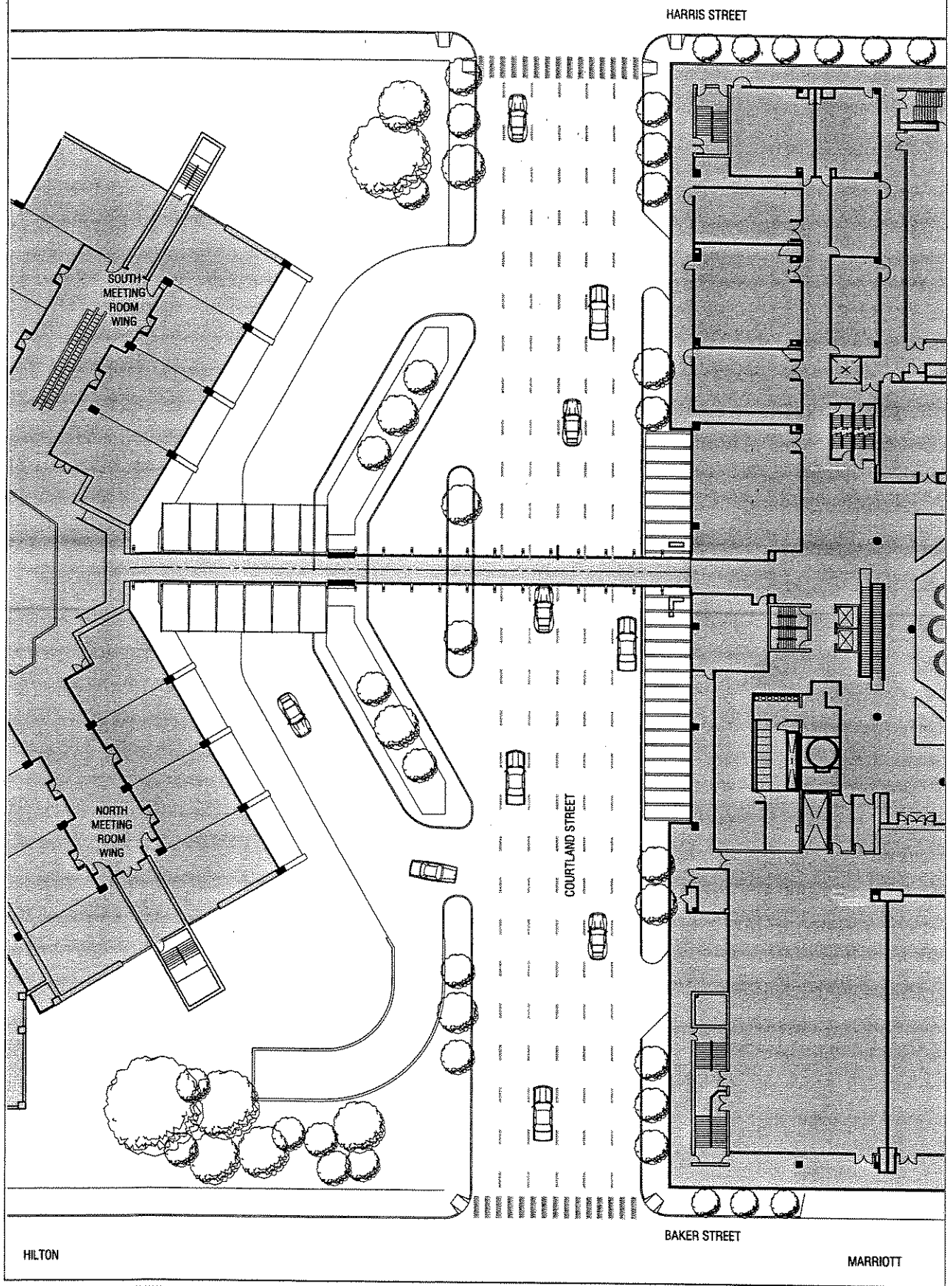
SECTION 6: That this agreement shall not become binding upon the City, and the City shall incur no liability upon same, until said agreement has been executed by the Mayor and delivered to the contracting parties.

SECTION 7: That all ordinances and parts of ordinances in conflict herewith are and the same hereby waived in this instance only.



LOBBY LEVEL PLAN  
SCALE: 1/32" = 1'-0"

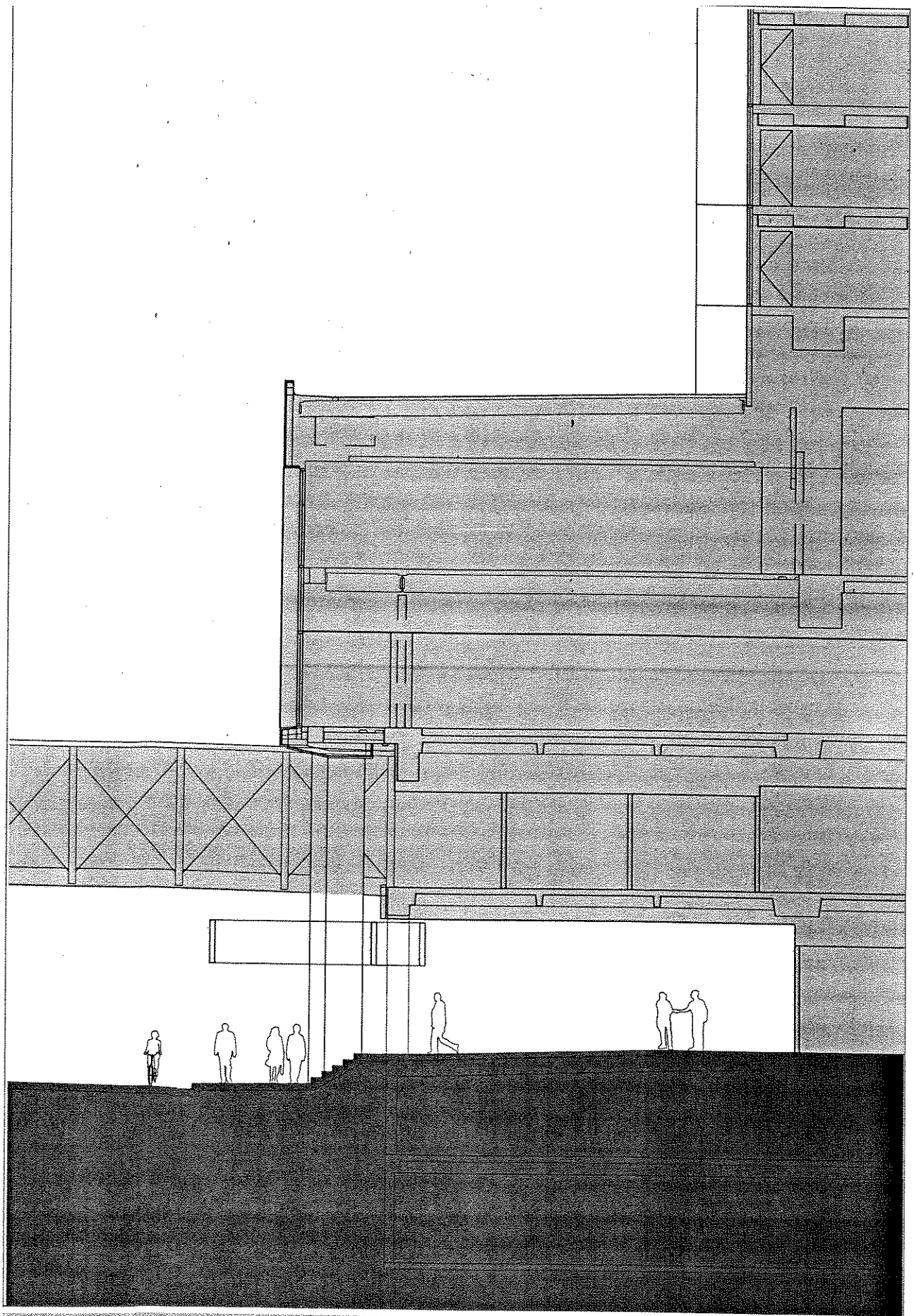
# COURTLAND STREET BRIDGE



BRIDGE LEVEL PLAN  
SCALE: 1/32" = 1'-0"

# COURTLAND STREET BRIDGE



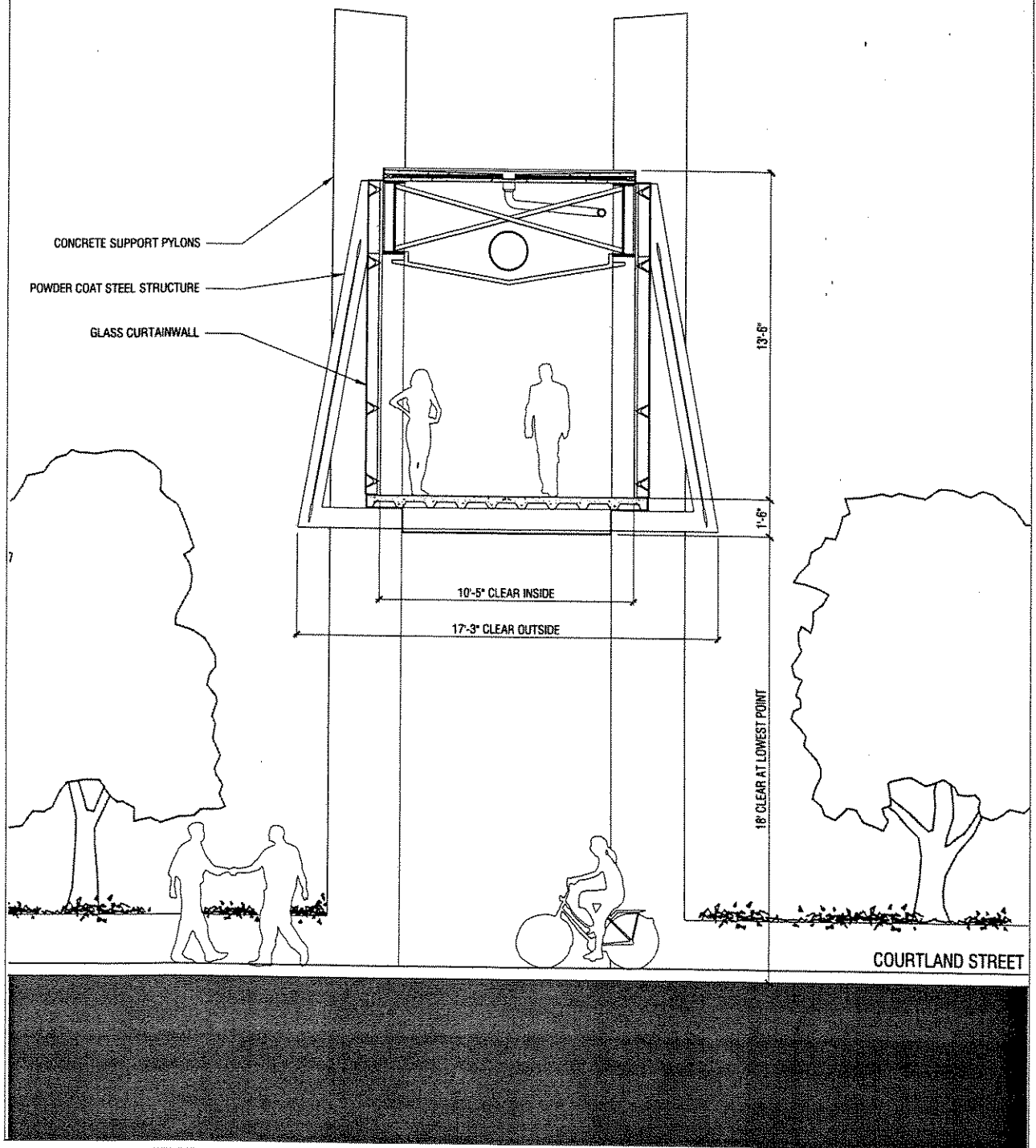


STREET SECTION: DETAIL  
SCALE: 1/32" = 1'-0"

## COURTLAND STREET BRIDGE

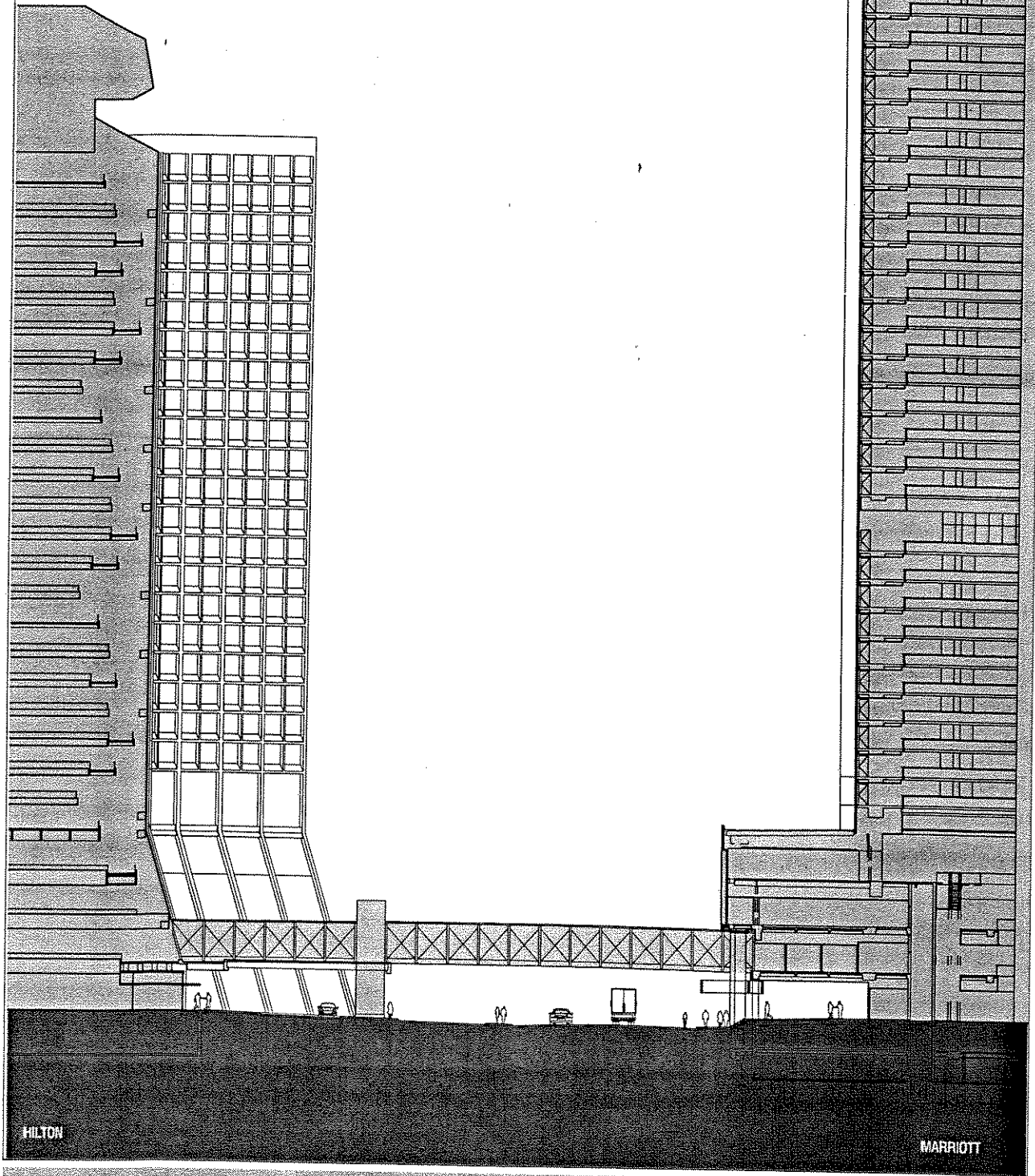






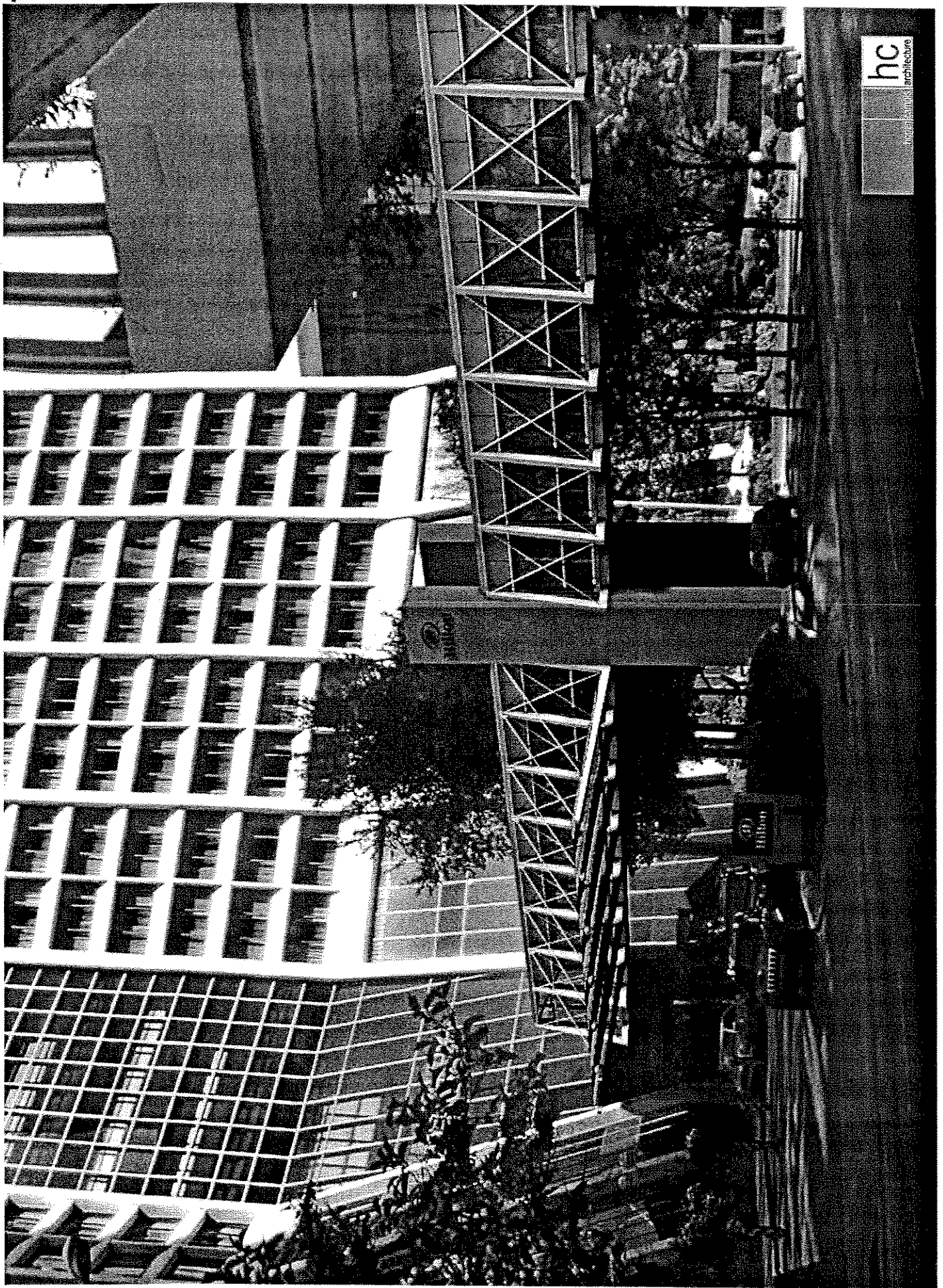
SECTION DETAIL  
SCALE: 1/4" = 1'-0"

## COURTLAND STREET BRIDGE



STREET SECTION: SOUTH VIEW  
SCALE: 1/32" = 1'-0"

# COURTLAND STREET BRIDGE



**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CONTRACTS AND NOTICES TO PROCEED FOR CERTAIN PUMP AND WATER MAINS PROJECTS; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") is responsible for maintaining and servicing the City's water system; and

**WHEREAS**, the Department of Watershed Management has identified four (4) projects that need to commence in a timely manner: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project and Southwest Water Mains Project ("Projects"); and

**WHEREAS**, it is in the best interest of the City to facilitate the implementation of these Projects by allowing the Mayor or her designee to execute contracts for various surveying, geotechnical, design, acquisition, inspection and related services needed to accomplish the Projects; and

**WHEREAS**, it is in the best interest of the City to authorize the Mayor or her designee to issue notices to proceed at the appropriate times for various surveying, geotechnical design, acquisition, inspection and related services needed to accomplish the Projects; and

**WHEREAS**, the acquisition of property interests for these Projects on an expedited basis is deemed vital; and

**WHEREAS**, in order to acquire the necessary property interests, it is in the City's best interest to allow the Mayor or her designee the authority to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and acquisition of additional property rights necessary to complete the Projects; and

**WHEREAS**, the Procurement and Real Estate Code of the City Code of Ordinances outlines the process for appraising, negotiating and purchasing property by the City, and the purchase price must be no less than the fair market value of the property as listed in the property appraisal, creating the established just compensation (“EJC”) value of the property; and

**WHEREAS**, there are occurrences when real property is listed for sale at a lower price than the appraised value; and

**WHEREAS**, during these occurrences when real property is listed for a lower price than the appraised value it is in the City’s best interest to purchase the real property for the lower stated value, all owing the property owner to establish the EJC value of the property via the lower listed property sale price; and

**WHEREAS**, O.C.G.A. §§22-3-140 and 32-3-4 allow the declaration of taking method of condemnation to be used for acquisition of private property for, among other things, public sewage collection, treatment, and disposal system purposes as provided in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the Mayor or her designee is authorized to execute contracts for various surveying, geotechnical, design, acquisition, inspection and related services (“Contracted Services”) needed to complete the four (4) water projects identified by the Department of Watershed Management: Fairburn Road Pump and Water Mains Project, Koweta Pump and Water Mains Project, Adamsville Water Mains Project and Southwest Water Mains Project (“Projects”).

**SECTION 2:** That the Mayor or her designee is authorized to issue Notices to Proceed at the appropriate times for the various Contracted Services.

**SECTION 3:** That contract solicitations and awards for all Contracted Services necessary for the completion of the Projects will be awarded pursuant to all relevant provisions of the Procurement and Real Estate Code.

**SECTION 4:** That the Mayor or her designee are authorized to negotiate with the affected property owners to acquire the necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the Projects.

**SECTION 5:** That the requirements of City Code Sections 2-1517, 2-1541, and 2-1545 of the Procurement and Real Estate Code are waived for the Projects. That the Mayor or her designee is authorized to make purchases of affected property and easements on behalf of the City without further authorization by the City Council.

**SECTION 6:** That the Mayor or her designee is authorized to obtain appraisals to establish the estimated just compensation ("EJC") to be offered property owners in connection with the Projects.

**SECTION 7:** That the Mayor or her designee is authorized to purchase real property at a price lower than the appraised value if that lower price is listed publicly.

**SECTION 8:** That the City and its purchasing agents are authorized to settle acquisitions of real property in an amount not to exceed ten percent (10%) above the EJC; and officer an amount not to exceed Two Hundred Fifty Dollars and No Cents (\$250.00) more than the EJC when the EJC is less than Two Thousand Five Hundred Dollars and No Cents (\$2,500.00)

**SECTION 9:** That the City's Purchasing Agent is authorized to administratively settle acquisitions which exceed these limitations without further authorization from Council:

- a) in an amount not to exceed twenty percent (20%) above the EJC, or
- b) Five Hundred Dollars and No Cents (\$500.00) when the EJC is below Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

**SECTION 10:** That if negotiations with affected property owners are successful, the Mayor or her designee is authorized to accept and execute options with such owners at the agreed price on behalf of the city for the purchase of the rights-of-way, easements and other property interest in connection with the Projects without further authorization from City Council.

**SECTION 11:** That the City Attorney is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the Consultant and its subconsultants.

**SECTION 12:** That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or her designee, with the assistance of the City Attorney, is authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary easements and other related property interests, without further authorization from City Council.

**SECTION 13:** That circumstances are such that at times it will be necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4, for the construction and completion of the Projects; that the City Attorney is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to easements and other related property interests necessary for the construction of the Projects.

**SECTION 14:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

**SECTION 15:** That the costs associated with this Ordinance Shall be charged to and paid from the appropriate land acquisition and easement Fund, Account, and Center Numbers.

**SECTION 16:** That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

*Megan S. Middleton*

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: July 31, 2006

Committee Meeting Date(s): August 15, 2006 Full Council Date: August 21, 2006

Commissioner Signature

*[Signature]*

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CONTRACTS AND NOTICES TO PROCEED FOR CERTAIN PUMP AND WATER MAINS PROJECTS; ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE WATER PROJECTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM APPROPRIATE LAND ACQUISITION AND EASEMENT FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$

Mayor's Staff Only

Received by Mayor's Office:

8/3/06  
(date)

Reviewed by:

*[Signature]*

Submitted to Council:

9/2  
(date)



**A RESOLUTION BY COUNCILMEMBER CEASAR C. MITCHELL**

**06-R-1936**

**AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF TWENTY FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$24,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE NORTH AVENUE CSO ON JULY 29, 2006, AUGUST 8, 2006 AND AUGUST 15, 2006; TANYARD CREEK CSO ON AUGUST 15, 2006; CLEAR CREEK CSO ON AUGUST 20, 2006 AND CUSTER AVENUE CSO ON AUGUST 22, 2006; PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

**WHEREAS**, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.2; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in Fund, Account and Center Number 2J01 529017 Q30001; and

**WHEREAS**, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

**WHEREAS**, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** that the Chief Financial Officer of the City is authorized to issue payments for stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division (EPD) of the Department of Natural Resources of the State of Georgia in the amount of Two Thousand Dollars and No Cents (\$2,000.00) for the violation of CSO Fecal Coliform operational standards at the North Avenue CSO on July 29, 2006; in the amount of Five Thousand Dollars and No Cents (\$5,000.00) for the violation of CSO Fecal Coliform operational standards at the North Avenue CSO on August 8, 2006; in the amount of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00) for the violation of CSO Fecal Coliform operational standards at North Avenue CSO on August 15, 2006; in the amount of Two Thousand Dollars and No Cents (\$2,000.00) for the violation of CSO Fecal Coliform operational standards at the Tanyard Creek CSO on August 15, 2006; in the amount of Five Thousand Dollars and No Cents (\$5,000.00) for the violation of CSO Fecal Coliform operational standards at the Clear Creek CSO on August 20, 2006; and in the amount of Two Thousand Dollars and No Cents (\$2,000.00) for the violation of CSO Fecal Coliform operational standards at the Custer Avenue CSO on August 22, 2006.

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer is authorized to issue checks in the amounts of Twelve Thousand Two Hundred Fifty Dollars and No Cents (\$12,250.00) payable to the State of Georgia and Twelve Thousand Two Hundred Fifty Dollars and No Cents (\$12,250.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

**AND FINALLY BE IT RESOLVED,** that the said payments be charged to and paid from Fund, Account and Center Number 2J01(Water & Wastewater Revenue) 529017 (Property/Liquidation) Q30001 (Deputy Commissioner, Treatment & Collection).

**Exhibit A**

| <b>Date</b> | <b>Facility</b>   | <b>Colonies/100 ml</b> | <b>Penalty</b> | <b>Comment</b> |
|-------------|-------------------|------------------------|----------------|----------------|
| 7/29/06     | North Avenue CSO  | 3,200                  | \$2,000        |                |
| 8/8/06      | North Avenue CSO  | 30,000                 | \$5,000        |                |
| 8/15/06     | North Avenue CSO  | 490,000                | \$8,500        |                |
| 8/15/06     | Tanyard Creek CSO | 2,300                  | \$2,000        |                |
| 8/20/06     | Clear Creek CSO   | 21,000                 | \$5,000        |                |
| 8/22/06     | Custer Avenue CSO | 4,100                  | \$2,000        |                |

A RESOLUTION BY

COUNCILMEMBER CEASAR C. MITCHELL

06-1936

**AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$ \_\_\_\_\_ AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS \_\_\_\_\_ PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City has experience a violation to the CSO Consent Decree set out in Exhibit "A" hereto; and

**WHEREAS**, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation did occur; and

**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in Fund, Account and Center Number 2J01-529017-Q31001; and

**WHEREAS**, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

**WHEREAS**, it is deemed to be in the best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

**NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1:** That the Chief Financial Officer of the City of Atlanta is authorized to issue checks payable in the amount of \$ \_\_\_\_\_ to the **State of Georgia** and in the amount of \$ \_\_\_\_\_ to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental

Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

**Section 2:** That said payments shall be charged to and paid from Fund, Account and Center Number 2J01 529017 Q30001.

**Section 3:** That all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

## EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, per Section \_\_\_\_\_ as follows:

### CSO Consent Decree Section

| Date | Facility | Colonies/100 ml | Penalty | Comment |
|------|----------|-----------------|---------|---------|
|------|----------|-----------------|---------|---------|

06- R-1948

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH ATLANTIC SKANSKA, INC. FOR FC-3005007865, WEST AREA CSO TREATMENT PLANT PROJECT, AND TO ENCUMBER PHASE THREE FUNDING IN THE AMOUNT OF ELEVEN MILLION EIGHT HUNDRED TWENTY THREE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS AND FIFTY CENTS (\$11,823,328.50), ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I029094DA (WEST AREA CSO TREATMENT PLANT); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered into an agreement for FC-3005007865, West Area CSO Treatment Plant Project ("Project") with Atlantic Skanska, Inc.; and

**WHEREAS**, the City is subject to Consent Decrees entered in *Upper Chattahoochee Riverkeeper Fund, Inc. et al. v. City of Atlanta*, Civil Action No. 1:95-CV-2250-TWT, and the *United States of America et al. v. The City of Atlanta*, Civil Action File No. 1:98-CV-1956-TWT, in the United States District Court, Northern District of Georgia, and pursuant to said Consent Decrees and Environmental Protection Agency and Environmental Protection Division approved plans, the City agreed to certain remedial actions; and

**WHEREAS**, the Project is funded on an annual basis using Phased Funding approved by City Council on August 15, 2005 and approved by the Mayor on August 22, 2005 under Resolution 05-R-1341; and

**WHEREAS**, the Department of Watershed Management requires Phase Three Funding for the 2007 calendar year in the amount of Eleven Million Eight Hundred Twenty Three Thousand Three Hundred Twenty Eight Dollars and Fifty Cents (\$11,823,328.50).

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend the execution of Renewal Agreement No. 2 with Atlantic Skanska, Inc., for FC-3005007865, West Area CSO Treatment Plant Project.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to execute Renewal Agreement No. 2 with Atlantic Skanska, Inc. for FC-3005007865, West Area CSO Treatment Plant Project.

**BE IT FURTHER RESOLVED**, the Agreement will be for the amount of Eleven Million Eight Hundred Twenty Three Thousand Three Hundred Twenty Eight Dollars and Fifty Cents (\$11,823,328.50) for Phase Three Funding.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Atlantic Skanska, Inc.

**BE IT FINALLY RESOLVED**, that all contracted work will be charged to and paid from Fund, Account and Center Number 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Consultant/Professional Services) Q38I029094DA (West Area CSO Treatment Plant).



## LEGISLATIVE SUMMARY

**TO: CITY UTILITIES COMMITTEE**

### **CAPTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH ATLANTIC SKANSKA, INC. FOR FC-3005007865, WEST AREA CSO TREATMENT PLANT PROJECT, AND TO ENCUMBER PHASE THREE FUNDING IN THE AMOUNT OF ELEVEN MILLION EIGHT HUNDRED TWENTY THREE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS AND FIFTY CENTS (\$11,823,328.50), ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I029094DA (WEST AREA CSO TREATMENT PLANT); AND FOR OTHER PURPOSES.**

|                              |   |
|------------------------------|---|
| <b>Council Meeting Date:</b> | September 5, 2006   |
| <b>Legislation Title:</b>    | 3005007865, West Area CSO Treatment Plant Project, Phased Two funding   |
| <b>Requesting Dept.:</b>     | Department of Watershed Management  |
| <b>Contract Type:</b>        | Construction  |
| <b>Contractor:</b>           | Atlantic Skanska Inc.   |
| <b>Estimated Value:</b>      | \$47,293,314.00   |
| <b>Background:</b>           | The scope of this resolution is to provide funding for the 2006 calendar year for the West Area CSO Treatment Plant Project in an amount not to exceed \$11,823,328.50. An Agreement, FC-3005007865, with Atlantic Skanska Inc. was approved and funded for 2005 with phased funding under resolution #05-R-1341.   |
| <b>Administrative Team:</b>  | Representatives from the Department of Watershed Management   |
| <b>Term of Contract:</b>     | The term of this agreement is Seven Hundred Seventy Five (775) calendar days for substantial completion and Eight Hundred Sixty Five (865) calendar days for full completion. Unit prices in an amount not to exceed phase funded periods over the duration of the project are indicated as follows:<br><br>Base Year      25%<br>Second Year    50%<br>Third Year      Balance |

**Fund Account Centers:** All contracted work shall be charged to and paid from fund account and center numbers: 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Consultant/Professional Services) Q38I029094DA (West Area CSO Treatment Plant).

**Prepared By:** Anthony Stanley, Contracting Officer

**Contact Number:** (404) 330-6384

## Legislation White Paper

**To: City Utilities Committee**

### **Caption**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH ATLANTIC SKANSKA, INC. FOR FC-3005007865, WEST AREA CSO TREATMENT PLANT PROJECT, AND TO ENCUMBER PHASE THREE FUNDING IN THE AMOUNT OF ELEVEN MILLION EIGHT HUNDRED TWENTY THREE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS AND FIFTY CENTS (\$11,823,328.50), ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I029094DA (WEST AREA CSO TREATMENT PLANT); AND FOR OTHER PURPOSES.**

**Council Meeting Date:** 9/05/06

**Legislation Title:** Resolution to approve Phase Three (3) Funding for the base 2007 calendar year for the contract price in an amount of Eleven Million Eight Hundred Twenty Three Thousand Three hundred Twenty-Eight Dollars and Fifty Cent (\$11,823,328.50) for FC-3005007865, West Area CSO Treatment Plant on behalf of the Department of Watershed Management

**Requesting Depts.:** Department of Watershed Management

**Contract Type:** Professional Services

**Source Selection:** Sealed Bid

**FC- Number Assignment  
Date:** June 8, 2005

**Date Advertised:** June 10, 2005

**Pre Bid Date:** June 28, 2005

**Bids/Proposals Received:** July 20, 2005

**Anticipated Contract  
Execution Date:** September 1, 2005

**Invitations Issued:** 210

**RFQ Due Date:** February 23, 2005

**RFQ Advertised:** January 30, 2005

**RFQ  
Invitations Issued:** 150

**Pre-Qualification  
Conference:** February 8, 2005

**Bids/Quotes  
Received:** 5

**Bidders/Proponents:**

Archer Western Contractor  
(\$52,940,662.00)

Atlantic Skanska Inc.  
(\$47,293,314.00)

Western Summit Construction Inc.  
(\$49,232,000.00)

**Addendums:** 1 (Clarification of the Scope and Extension of Time from July 20, 2005 to July 21, 2005 for project due date) for FC-3005007865. Also, Addendum No. 1 changed the EBO requirements for Joint Venture has stated in the Bid Document to Mentor/Protégé.

**Justification Statement:** The Department of Watershed Management issued a NTP on September 1, 2005 in order to meet Consent Decree compliance requirements.

**Background:** A Notice to Proceed for this project was issued no later than September 1, 2006 in order to meet Consent Decree compliance requirements. Bids for this project were due at 1:59 p.m. on July 20, 2005. The recommendation, requisition and completed legislation were available for Committee on Wednesday, July 20. The work to be performed under this contract is limited to the West Area Combined Sewage Overflow Treatment Plant & Dechlorination Facility. The work to be performed under this contract includes installation, Testing and Startup of all facilities and new treatment equipment and monitoring and Controls.

Original Agreements –Executed on Sept. 1, 2005 Expires on August 31,2006

Renewal Agreement No. currently in Council

|             |   |
|-------------|---|
| Base Year   | 25% (Phase One Funding \$ 11,823,328.50)        |
| Second Year | 50% (Phase Two Funding \$ 23,646,657.00)        |
| Third Year  | Balance. (Phase Three Funding \$ 11,823,328.50) |

**Fund Account Center:**

2J21 (Water & Wastewater Renewal & Extension Fund) 574001  
(Consultant/Professional Services) Q38I029094DA (West Area CSO Treatment Plant).

**Other City of  
Atlanta contracts:**

**Alberici Construction** None

**Archer Western Contractors**

FC-7319-01, I285 Bridge Structure with Archer Western Constructors, LTD for the Construction of the I285 Bridge Structures for the 5th Runway at Hartsfield Atlanta International Airport in an amount not to exceed \$159,500,000.00.

FC-7175-99, East Area Combined Sewer Overflow and Intrenchment Creek Water Reclamation Center Facilities Improvements Phase II on behalf of the Department of Public Works in an amount not to exceed \$6,908,000.00.

FC-7150-99, Bolton Road and Philip Lee Drive Pump Station Improvements on behalf of the Department of Public Works in an amount not to exceed \$2,752,000.00.

FC-7085-99, East Area Combined Sewer Overflow (CSO) and Intrenchment Creek Water Reclamation Center Facilities Improvements on behalf of the Department of Public Works in an amount not to exceed \$26,084,374.00.

FC-5264-92; Hemphill Pump Station and Clearwell Improvements, with Archer Western Contractors LTD/Capital City Contracting Co., Inc., a joint venture, in the amount of \$7,250,000.00

**Atlantic Skanska Inc.** None

**Pizzagalli Construction Co.**

FC-3004007809, South River WRC Upgrades Agreement on behalf of the Department Watershed Management in an amount not to exceed \$3,514,000.00.

FC-7305-00, Utoy Creek Water Reclamation Center Improvements, Phase 2A on behalf of the Department of Public Works in an amount not to exceed \$21,027,000.00.

FC-6893-97, R. M. Clayton Water Reclamation Center Secondary Improvements, Phase 3 on behalf of the Department of Public Works in an amount not to exceed \$104, 712, 00.00.

**Western Summit Construction Inc.**

FC-3004007826, Intrenchment Creek CSO Treatment Plant Agreement on behalf of the Department of Watershed Management in an amount not to exceed \$28,606,000.00. All contracted work for the base year in the amount of \$14,303,000.00.

FC-7134-99, Design/Build of Nancy Creek Trunk Sewer Capacity Management Facility on behalf of the Department of Watershed Management in an amount not to exceed \$31,000,000.00.

FC-7168-00, Design/Build of the Chattahoochee Washwater Holding Tank and Sludge Thickeners on behalf of the Department of Water in an amount not to exceed \$10,068,390.00.

FC-6893-97, R. M. Clayton Water Reclamation Center Secondary Improvements, Phase 3 on behalf of the Department of Public Works in an amount not to exceed \$104,712,00.00.

FC-6850-97, R. M. Clayton Water Reclamation Center Odor Control Facilities on behalf of the Department of Public Works for an amount not to exceed \$13,674,701.00.

FC-6868-97, Utoy Creek Water Reclamation Center Improvements on behalf of the Department of Public Works for an amount not to exceed one hundred eight million one hundred ninety thousand dollars and no cents (\$108,190,000.00).

FC-6622-96 South River Water Reclamation Center Solids Handling Improvements, on behalf of the Department of Public Works in an amount not to exceed \$6,207,032.

**Term of Contract:**

Not to exceed one (1) year and will terminate absolutely and without further obligation on the part of the City at the close of the calendar year (December 31<sup>st</sup>) in which it is executed and at the close (midnight December 31<sup>st</sup>) of each succeeding calendar year for which it is renewed. The agreement will contain two (2) annual renewable options at the sole discretion of the City.

The project will be funded in phases over the duration of the project. The initial and each subsequent funding period shall not exceed twelve (12) months. The Agreement or Agreements awarded for this project will terminate immediately and absolutely at such time as the appropriated or otherwise unobligated funds are not longer available to satisfy the obligations of the City.

**Method of Cost Recovery:**

Not applicable

**Prepared By:**

Anthony Stanley, Contracting Officer

**Contact Number:**

(404) 330-6384



CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2006 AUG 16 AM 11:35

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE., SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

August 11, 2006

TO: Megan Middleton, Legislative Counsel  
Department of Law

FROM: Robert J. Hunter, Commissioner  
Department of Watershed Management

RE: **LEGISLATIVE REQUEST FOR  
FC-3005007865, West Area CSO Treatment Plant  
RENEWAL AGREEMENT NO. 2 |  
Contractor: Atlantic Skansak, Inc.**

Please prepare the appropriate legislation for Cycle 15 (September 5, 2006) for the purpose of renewing the above-referenced contract with Atlantic Skansak, Inc.

Renewal No. 2 in the amount of **\$11,823,328.50** represents the balance of the contract award. All terms, conditions, pricing, etc. shall remain the same. Attached is the requisition identifying the appropriate fund-account-center number.

If you have any questions concerning this matter, please feel free to contact Sabrina D. Watts, Watershed Manager, or Willie M. Canidate, Contracting Officer, Sr., at (404) 330-6335.

Your assistance in this matter is requested and appreciated.

/gjc

c: Sheila Pierce, DWM  
Benjamin Kuku, DW  
Adam L. Smith, DOP  
Cathy Martin, DOP  
April Daniels, DF  
Sabrina D. Watts, DWM  
Maisha Land, DWM  
Willie M. Canidate, DWM  
File



# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director  
Office of Contract Compliance

DATE: July 22, 2005

RE: Recommendation for FC 3005007865, West Area CSO Treatment Plant

The Office of Contract Compliance has reviewed the three (3) bids for minority and female business enterprise participation. All three bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs, HBEs, ABEs and FBEs as indicated below:

### Atlantic Skanska, Inc.

|  |      |            |
|--|------|------------|
| Lewis Trucking & Grading, Inc. (Protégé) | AABE | 12.80%     |
| The Artis Group                          | AABE | 11.50%     |
| CJB Contracting, Inc.                    | AABE | 2.70%      |
| Willis Professional Services, Inc.       | FBE  | 7.90%      |
| M.A.R. Trucking, Inc.                    | FBE  | 7.80%      |
| Ram Tool & Supply Co. Inc.               | FBE  | 1.30%      |
| <b>Participation Total</b>               |      | <b>44%</b> |

### Western Summit Constructors, Inc.

|                                 |      |               |
|---------------------------------|------|---------------|
| CJB Contracting, Inc. (Protégé) | AABE | 13.25%        |
| Steel King                      | AABE | 5.51%         |
| Thrasher Trucking, LLC          | AABE | 0.18%         |
| Carolyn's Hauling, Inc.         | FBE  | 0.49%         |
| Giavanna Constructors, Inc.     | FBE  | 4.06%         |
| Procurement Solutions, Inc.     | FBE  | 7.02%         |
| Llamas Coatings, Inc.           | HBE  | 0.97%         |
| Gajjar Engineering Systems      | ABE  | 0.30%         |
| <b>Participation Total</b>      |      | <b>31.78%</b> |



Adam L. Smith  
July 22, 2005  
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**Archer Western Contractors, Ltd.**

|                                       |            |               |
|---------------------------------------|------------|---------------|
| The Artis Group (Protégé)             | AABE       | 8%            |
| CJB Contracting, Inc.                 | AABE       | 20%           |
| J.T.T.Trucking & Equipment            | AABE       | .34%          |
| Llamas Coatings, Inc.                 | HBE        | .68%          |
| Gajarr Engineering Services           | ABE        | .23%          |
| Gallet & Associates, Inc.             | FBE        | .25%          |
| <u>Anasteel &amp; Supply Co., LLC</u> | <u>FBE</u> | <u>3.54%</u>  |
| <b>Participation Total</b>            |            | <b>33.04%</b> |

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If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Anthony Stanley, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton 

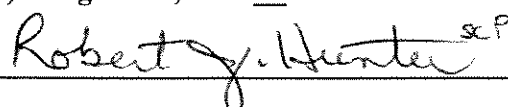
Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature  <sup>sr</sup>

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH ATLANTIC SKANSKA, INC. FOR FC-3005007865, WEST AREA CSO TREATMENT PLANT PROJECT, AND TO ENCUMBER PHASE THREE FUNDING IN THE AMOUNT OF ELEVEN MILLION EIGHT HUNDRED TWENTY THREE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS AND FIFTY CENTS (\$11,823,328.50), ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION FUND) 574001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I029094DA (WEST AREA CSO TREATMENT PLANT); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$11,823,328.50

Mayor's Staff Only

Received by Mayor's Office:  <sup>8/21/06</sup> (date) Reviewed by: 

Submitted to Council:  <sup>8/22/06</sup> (date)